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Amend an Act passed in the Tenth and Eleventh Years of the Reign of King *William* the Third, intituled, "*An Act for the making and keeping navigable the Rivers of Aire and Calder, in the County of York,*" and for Improving the Navigation of the said River *Aire*, from *Weeland* to the River *Ouze*, and for making a navigable Canal from the said River *Aire*, at or near *Haddlesey*, to the River *Ouze*, at the *Old Brick Garth* at *Ouze Gate End*, within the Township of *Selby*, in the said County, and for other Purposes.

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L O N D O N,  
P R I N T E D I N T H E Y E A R  
M D C C L X X I V .





14 G E O. III. 1774.

An ACT to Amend an Act passed in the Tenth and Eleventh Years of the Reign of King *William* the Third, intituled, "*An Act for the making and keeping navigable the Rivers of Aire and Calder, in the County of York,*" and for Improving the Navigation of the said River *Aire*, from *Weeland* to the River *Ouze*, and for making a navigable Canal from the said River *Aire*, at or near *Haddlesey*, to the River *Ouze*, at the *Old Brick Garth* at *Ouze Gate End*, within the Township of *Selby*, in the said County, and for other Purposes.



**WHEREAS** by an Act passed in the Preamble; Tenth and Eleventh Years of the Reign of King *William* the Third, intituled, "*An Act for the making and keeping navigable the Rivers *Aire* and *Calder* in the County of *York*,*" the Persons therein named as Undertakers were impowered, at their own proper Costs and Charges, to make

A 2

navigable

navigable, portable, and passable with Barges, Boats, Lighters, and other Vessels, the said Rivers of *Aire* and *Calder*, from a Place called *Weeland*, situate upon the River *Aire*, up to the Towns of *Leeds* and *Wakefield* in the West Riding of the County of *York*; and divers Persons in the said Act named were thereby appointed Commissioners for putting the said Act in Execution,

And whereas the said Rivers were, in pursuance of the said Act, made and have been continued navigable for Barges, Boats, Lighters, and other Vessels, which has tended manifestly to the Encouragement and Increase of the Woolen Manufactory, and the Trade and Commerce of the Country; and in carrying on the same, a greater Number of Vessels have been necessarily employed on the said Rivers of late Years than formerly.

And whereas the Navigation of the said Rivers, as well between the said Towns of *Leeds* and *Wakefield* and *Weeland*, as between *Weeland* and the Conflux of the Rivers *Aire* and *Ouse*, is attended with Difficulties and Delays,

Delays, and liable to Obstructions, and capable of great Improvement.

And whereas, by Levels and Surveys taken, it appears, that a Cut or Canal may be conveniently made from the said River *Aire*, in the Townships of *West Haddesey* and *Chapel Haddesey*, or one of them, unto the said River *Ouze*, at or near the Town of *Selby* in the said County of *York*, which will open a short and commodious Communication for the Passage of Vessels from *Leeds*, *Wakefield*, *Halifax*, and other Trading Towns situate upon or near the said Rivers *Aire* and *Calder*, and the City of *York*, and the Parts adjacent.

And whereas the present Undertakers of the Navigation of the said Rivers *Aire* and *Calder* are desirous, at their own proper Costs and Charges, to make all necessary Improvements in the Navigation of the said Rivers, as well between *Weeland* and the Towns of *Leeds* and *Wakefield*, as between *Weeland* and the Conflux of the Rivers *Aire* and *Ouze*, and also to make such Cut or Canal, from the said River *Aire* to the River *Ouze* as aforesaid.

But inasmuch as the same cannot be effectually carried into Execution without the further Aid of Parliament;

May it please Your MAJESTY,

Undertakers  
appointed.

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Passing of this Act Sir *William Milner*, Baronet, *Richard Wilson*, Esquire, *Richard Burton*, Esquire, and *Jeremiah Dixon*, Esquire, and all other the present Undertakers of the said Navigation under the said Act of the Tenth and Eleventh Years of King *William* the Third, their Heirs and Assigns, shall be, and are hereby appointed, Undertakers for putting this present Act in Execution.

Cuts to be  
made.

And be it Enacted by the Authority aforesaid, That it shall and may be lawful for the said Undertakers, their Heirs and Assigns, by themselves, their Deputies, Agents, Officers,

Officers, Workmen, Servants, and Assistants, to make all necessary Works and Improvements in their said Navigation; and, amongst others, to set out, open, make, and maintain, the several Cuts to be used for Navigation, hereinafter particularly mentioned and described; (that is to say) One Cut to begin and branch out from the present Cut on the West Side of the River *Aire* at some convenient Place near unto and above a certain Lock, called *Leeds Lock*, in the Township of *Leeds* in the County aforesaid, and to fall into and communicate with the said River *Aire*, at some convenient Place nearly opposite to the Tail of the *Nether Mill Goit*; One other Cut to begin and branch out from the North-East Side of the said River *Aire*, at some convenient Place in or near unto the Lands there, called *The Breaks*, in the Township of *Leeds* aforesaid, and to fall into and communicate with the said River *Aire*, at some convenient Place not exceeding three Chains below the Point opposite to the Coal Staith of *Charles Brandling*, Esquire, in the Township of *Hunslet*, in the Parish of *Leeds* aforesaid; and to build a new Lock, upon a new Foundation, on the South Side of the

present Lock called *Tbwaite* Lock, and to alter the Course of the present Cut near *Tbwaite* Mill for the convenient Passage of Vessels through such new Lock; One other Cut to branch forth from the present Cut on the West Side of the said River, called *Cryer* Cut, a little to the North or North-West of *Woodlesford* Lock, in the Township of *Woodlesford*, and to fall into and communicate with the said River *Aire* in or below the low Cut of a certain Mill, called *Fleet* Mill; One other Cut to begin and branch forth from the South Side of a Cut already made on the South Side of the said River *Aire*, near unto a Place called *Metbley* Lock, in the Township of *Metbley*, and to fall into and communicate with the said River *Aire* in the Lands belonging, or reputed to belong, to the Reverend *Shann*, in the same Township of *Metbley*; and One other Cut to begin and branch forth from some convenient Place on the East Side of the said River *Aire*, somewhat below the Conflux of the Rivers *Aire* and *Calder*, and to fall into and communicate with the said River *Aire* at or near the Elbow of the said River, below a Place called *Rybread Reach*; and also to erect

erect and maintain a Dam across the said River *Aire*, at some convenient Place near unto the East End of the Common called *Brotherton* Marsh, above *Ainfleet* Drain; and to set out, make, and maintain a Cut on the South Side of the said River, branching from and again communicating with the same River, to enable Vessels to pass by the said intended new Dam: **And also** to open a new Communication for Trade from *Leeds*, *Wakefield*, *Halifax*, and other Trading Towns upon the said Rivers of *Aire* and *Calder*, to *Selby*, *York*, Canal to *Sel-* and other Places upon the River *Ouze*, and *by*. the adjacent Parts, by setting out, opening, making, and maintaining a navigable Cut or Canal, to begin and branch forth from the said River *Aire*, at some convenient Place on the North Side of the same River, in or near the Townships of *West Haddlesey* and *Chapel Haddlesey*, or, one of them, and to extend and be carried through several Townships and Places in the said County of *York*, unto and into the Township of *Selby* in the said County, there to communicate and fall into the River *Ouze*, at a Place called the *Old Brick Garth*, at *Ouze-Gate* End, within the said Township of *Selby*; and also from Time to Time,

Time, and at all Times hereafter, at their Discretion, to cleanse, scour, deepen, enlarge, straighten, contract, and improve, and in a good navigable State and Condition to keep and preserve, by all necessary and proper Works, Ways, and Means, as well the said several Cuts and Canal, and every of them, as also the Cuts made under the Authority of the said Act of King *William* the Third, and the Channels and Courses of the said Rivers *Aire* and *Calder*, and the Beds thereof respectively, NOT ONLY from the said Towns of *Leeds* and *Wakefield* to the Place called *Weeland*, BUT ALSO from *Weeland* to the Conflux or Junction of the said River *Aire* with the River *Ouze*, and to remove all Beds of Earth, Soil, Sand, Gravel, and Stone, and all other Obstructions and Impediments whatsoever, which may anywise obstruct, hinder, or prevent the said Navigation, either in haling, sailing, or towing of Boats, Barges, Lighters, or other Vessels, with Men, Horses, or other Works to be done. wise; and also from Time to Time, and at all Times, to build, erect, set up, or make, over, across, or in the said several Cuts, Canal, and Channels or Courses of the said Rivers *Aire* and *Calder* aforesaid, and, upon the

the Lands and Grounds adjoining or near unto the same, such and so many Bridges, Tunnels, Culverts, Locks, Sluices, Floodgates, and other Gates, Pens of Water, Weirs, Jetty's, Weigh-Beams, Winches, Cranes, Engines, and other Works, as shall be thought necessary or convenient for the said Navigation; and from Time to Time, and at all Times hereafter, to alter, repair, amend, and improve the same; and also to set out and make, and at all Times to use and maintain, sufficient and convenient Paths and Ways for towing or drawing, with Men or Horses or other Cattle, Boats, Keels, Barges, and other Vessels using the said Navigation; and also to dig, take, and carry away Clay, Gravel, Stone, or other Materials proper for carrying on the said Works, (and to be used and expended therein only) in and from any of the Lands and Grounds aforesaid, not being the Ground whereon any House stands, or not being an Orchard, Garden, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to any House, which were planted and set apart as such on or before the Twenty-fifth Day of *December*, One thousand seven hundred and seventy-three; and, from Time to Time,

to

to carry and convey Timber, and all other Materials for the said Works, upon, through, and over, the Lands or Grounds, of any Persons whatsoever, to the respective Places where the said Works are intended to be made, and to place, lay, work up, convert, and use, the said Materials on the Lands or Grounds adjoining or near to such respective Places, and also to do and perform all other Works, Matters, and Things, which the said Undertakers, their Heirs and Assigns, shall adjudge necessary or proper for carrying on, compleating, and maintaining, the said intended Cuts, Canal, and other Improvements in the said Navigation, and for executing all the Purposes of this Act, they the said Undertakers, their Heirs and Assigns, Agents and Workmen, doing as little Damage as may be upon those Occasions, and the said Undertakers, their Heirs and Assigns, making Satisfaction to the Owners and Occupiers of, and Persons interested in, any Messuages, Lands, Weirs, Corn-Mills, Fulling-Mills, or other Mills, Tenements, or Hereditaments respectively, for any Damage that shall be occasioned to such Messuages, Lands, Weirs, Mills, Tenements, or Hereditaments, for or

on

on Account of the said intended Cuts, Canal, or other Improvements, or exercising any of the Powers or Authorities by this Act given to or vested in the said Undertakers, their Heirs or Assigns, as the Commissioners hereinafter named, or their Successors shall, for that Purpose order, adjudge, direct, or appoint, according to the Tenor and true Meaning of this Act, in case the said Undertakers, their Heirs or Assigns, shall not beforehand have agreed with such Owners, Occupiers, and Persons interested respectively concerning the same.

And to the end the Passage for light Undertakers Vessels upon the River *Aire* down to the present Coal-staith of Sir *William Lowther*, Bart. to maintain Depth of Water to Sir *William Lowther's* Coal-Staith. situate in the Township of *Swillington*, may be preserved; **Be it Enacted**, That notwithstanding the making the said intended Cut in the Township of *Metbley*, they the said Undertakers, their Heirs and Assigns, shall continue to maintain and support the present Lock, called *Metbley* Lock, and at all Times hereafter keep Eighteen Inches Depth of Water in the said River *Aire*, from the said Lock to the said Coal-staith.

**Provided**

For preserv-  
ing the Course  
of the Navi-  
gation by  
*Knottingley*  
Town-side.

**Provided always, and be it Enacted,**  
That nothing herein, or in the said former  
Act contained, shall extend, or be construed  
to extend, to enable the said Undertakers,  
their Heirs or Assigns, to divert or alter the  
Course and Channel of the said River *Aire*,  
from the Wharfs, Warehouses, Staiths, and  
Landing-Places now erected at *Knottingley*  
Town-side, so as to prejudice such Wharfs,  
Warehouses, Staiths, or Landing-Places, in  
any Respect whatsoever.

The *Selby* Ca-  
nal to be Two  
Feet below  
the Level of  
the Duke of  
*Ancafter's*  
Lands.

**Provided always, and be it Enacted,**  
That any Cut or Canal to be made through  
any Lands or Grounds lying within the said  
Townships of *West Haddlesey* and *Chapel Had-*  
*dlesey*, or either of them, the said Undertakers,  
their Heirs and Assigns, shall keep the Water,  
(except in Times of Flood) Two Feet at the  
least below the natural Level of the lowest  
Lands or Grounds belonging to his Grace  
the Duke of *Ancafter*, lying on the West Side  
of the said intended Cut or Canal, in the said  
Townships or either of them: And that the  
said Undertakers, their Heirs or Assigns,  
shall make or cause to be made, at their  
own Costs and Charges, under the Western  
Bank

Bank of the said intended Cut or Canal, such a Number of good and sufficient Tunnels of Brick or Stone, at least Two Feet wide and One Foot high, to the Spring of the Arch, with Heads or Frames, and Sluices or Doors, of Oak; and in such Parts of the said Bank as the said Duke of *Ancafter*, or his Heirs, shall, at any Time or Times before the End of Five Years from the making and completing of the said Canal, order and direct; and that the said Duke of *Ancafter*, his Heirs and Assigns, and his and their Agents, Servants, Tenants, and Workmen, shall, from Time to Time, and at all Times when the Floods with which the adjacent Lands and Grounds are subject to be flooded are subsided, have full Power and Authority to draw up or shut down the same Sluices or Doors, or any of them, at their Will and Pleasure, for the Purpose of draining such Lands and Grounds; and that it shall not be lawful for the said Undertakers, their Heirs or Assigns, to shut down or intermeddle with the said Sluices or Doors, except for repairing the same, or in Times of Flood, at which Times it shall be lawful for them to keep the same shut.

And

Undertakers  
to make Tun-  
nels under the  
*Silby Canal.*

And be it also Enacted by the Authority  
aforesaid, That the said Undertakers, their  
Heirs or Assigns, shall also make, or cause  
to be made, at their own proper Costs and  
Charges, under every Part of the said in-  
tended Canal, which shall intersect any prin-  
cipal Drain in the said Townships of *West  
Haddlesey* and *Chapel Haddlesey*, or either of  
them, a good and sufficient double subter-  
raneous Tunnel of Brick or Stone, in two  
equal Passages or Tuns, divided by a middle  
Wall at least five Feet high from the Floor  
to the Inside of the Crown of each Arch,  
their Capacities or neat Waterways taken  
together to be at least three Times the Width  
of the Clough or Outlet now issuing the  
Water from such Drain into the River *Aire*;  
and that the said Undertakers, their Heirs  
or Assigns, shall also deepen and enlarge the  
said Drains to the Westward of the said re-  
spective Tunnels, at least fifteen Feet from  
the Mouth thereof, to lead the Flood Water  
gently into the same; and also to the Eastward  
of the said respective Tunnels, so as to make  
the same Drains of the same Depth and  
Width at the Bottom with the Sole or Floor  
of the same Tunnels for at least sixty Feet be-  
low

low the same, and from thence as far lower as may be necessary, so as that the Bottom may have an Ascent of only four Inches for every Foot in Length, and the Sides to batter or slope one Foot and an half for every perpendicular Foot in Heighth.

And be it also Enacted, That the said Tunnels to be last-mentioned Tunnels and Drains, and also under the Bank of the the said Tunnels and Sluices or Doors above Selby Canal. directed to be made under the Western Bank of the said intended Canal, shall for ever hereafter be repaired, maintained, and cleansed by the said Undertakers, their Heirs or Assigns; and in Case at any Time or Times after two Calendar Months previous Notice shall be given by or on the Behalf of the said Duke of *Ancafter*, his Heirs or Assigns, or his or their Agent or Agents for the Time being, to the said Undertakers, their Heirs or Assigns, or their known Agent or Agents, the said Tunnels and Sluices above directed to be made under the Western Bank of the said intended Canal, and the said subterraneous Tunnels, and the Drains under and below the same Cut or Canal, or any of them, shall not be effectually cleansed, repaired,

B and

and maintained, it shall and may be lawful to and for the said Duke of *Ancafter*, his Heirs and Assigns, to make, open, cleanse, and repair such Tunriels, Sluices, and Drains, and the reasonable Expences thereof shall be defrayed by the said Undertakers, their Heirs or Assigns; and in Case of Neglect or Refusal to satisfy the same within Ten Days after Demand thereof made upon them, or any Three of them, or upon their known Agent or Agents, such Expences shall and may be recovered, with Double Costs, by Action of Debt, or upon the Case, at Law, against the said Undertakers, their Heirs or Assigns.

The Sluice  
at *Haddesey*  
Dam to be  
maintained.

And be it further Enacted by the Authority aforesaid, That the said Undertakers, their Heirs and Assigns, shall, from Time to Time, and at all Times hereafter, at their own proper Costs and Charges, maintain, repair, and keep a certain Cut or Suice, with a Turnpike made or to be made in the Middle of the Dam at *Chapel Haddesey* aforesaid, at least Fifteen Yards wide from the Top to the Bottom of the said River, as deep as it was before the Erection of the said Dam, so  
as

as the Surface of the Water in the said River above the Dam may be within Eight Inches level with the Surface of the Water below the Dam when the said Sluice is open ; and that the same Sluice and Turnpike, as also all other the Cloughs and Sluices, made or to be made in the said Dam, shall always be and remain open whenever the Water in the said River, by any Fresh, is raised Two Feet above Low Water Mark, now made, or which ought to be made, below the said Dam.

And be it further Enacted, That the The Drain said Undertakers, their Heirs and Assigns, and Clough at *Haddlesey Ings* shall, from Time to Time, and at all Times to be repaired, hereafter, at their own proper Costs and Charges, cleanse, scour, and keep the Drain running out of *Haddlesey Ings* into the said River *Aire*, and also maintain, uphold, and keep the Clough at the End thereof in good and sufficient Repair.

And be it further Enacted by the Autho- Undertakers rity *aforsaid*, That the said Undertakers, to support their Heirs and Assigns, shall, at all Times *Haddlesey* Bridge. hereafter, at their own proper Costs, main-

tain and support the Bridge now built at *Haddlesey* aforesaid, and a Causeway for Carts and Waggon to pass over from the North End of the said Bridge to *Chapel Haddlesey*, in good and sufficient Repair, and shall permit the Land Owners, Tenants, and Inhabitants of and within *East, West, and Chapel Haddlesey*, to pass over the said Bridge with their Carts, Carriages, Corn, Hay, and Cattle, Toll free, and shall not take more Toll from any other Person than hath been usual and accustomed, but shall not permit any Cart or Carriage to pass over the said Bridge, other than what shall be necessary and used to lead and carry away the Hay, Corn, and Tillage from and to the adjacent Meadows and Grounds, and Materials for building or repairing what concerns the said Navigation, without the Licence and Consent of the said Duke of *Ancafter*, his Heirs or Assigns, first had and obtained for so doing; and, in Consideration thereof, that the Profits of the Toll for Passage over the said River due and accustomed, and also all that Piece of Ground on *Ferry Green*, adjoining to the said River, heretofore set out by *Thomas Atkinson*, containing about Fifty Yards in Length, and  
 Twelve

Twelve Yards in Breadth, be the same more or less, lying on that Side the said River of *Aire* next to *Chapel Haddlesey*, and near the said River, and all that Piece of Ground whereon the Lock at *Haddlesey* is now placed, with all Buildings and Works thereon erected, (which said Tolls, Pieces of Ground, Buildings, and Premises are now held by the said Undertakers as Tenants thereof to the most Noble *Peregrine* Duke of *Ancafter* for a Term of One Thousand Years, at the annual Rent of Thirty Shillings) with their Appurtenances, shall be, from henceforth, by virtue of this Act, vested in the said Sir *William Milner*, *Jeremiah Dixon*, *Richard Wilson*, and *Richard Burton*, their Heirs and Assigns, for ever, upon the like or the same Trusts, and to and for the like Uses, Intents, and Purposes, as they the said Sir *William Milner*, *Jeremiah Dixon*, *Richard Wilson*, and *Richard Burton* now stand seized of the said Navigation as aforesaid; subject nevertheless to one annual Rent-Charge of Thirty Shillings, to be by the said Undertakers, their Heirs and Assigns, rendered and paid unto the said *Peregrine* Duke of *Ancafter*, his Heirs and Assigns, at *Michaelmas* and *Lady Day* in every

Year, by equal Portions, for ever; and which said Rent of Thirty Shillings is hereby charged upon the Tolls and Duties to be taken by virtue of this Act.

Mrs. *Atkinson*,  
and her Tenants,  
to pass over *Haddesey*  
Bridge Toll-Free.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for *Maria Josepha Atkinson*, Widow, her Heirs and Assigns, and her and their Agents, Servants, and Tenants, for and in respect of an Estate in *Temple Hirst* in the said County, formerly belonging to *Thomas Atkinson*, of *Knottingley* aforesaid, Gentleman, and for and with their Goods and Cattle, and for Carts and Carriages, in the Summer Season, when loaded with Hay or Corn out of *Haddesey* Ings or Tillage to the same, but not otherwise, freely to pass and repass over the said Bridge at *Haddesey*, without paying any Toll or Duty whatsoever.

Provision for  
repairing *Beal*  
Bridge.

And whereas, in Pursuance of the Act of the Tenth and Eleventh of King *William*, the Undertakers of the Rivers *Aire* and *Calder* had Occasion to build a Dam at *Beal*, alias *Begball*, upon the River *Aire*, which, in Consequence, did spoil a Ford, by which the

the Inhabitants of the said Township of *Beal* transported the Produce of their Lands from the North to the South Side of the said River; And whereas, by means of building the said Dam of a certain Height, it became necessary to build a Bridge to preserve the said Communication, the Inhabitants of the said Township of *Beal* contracted with the said Undertakers to pay One Third Part of the original Expence of building the said Bridge, and of maintaining it thereafter, which has accordingly been done; **Be it therefore Enacted**, That if the said Undertakers shall have Occasion, by moveable Dam-Boards, to raise the Water above the Crown of the said Dam, not exceeding Eleven Inches, that then the said Undertakers shall, at their own Costs and Charges, from thenceforward, wholly support and maintain the said Bridge, called *Beal* Bridge, in a State of good Repair, and allow, at all Times, free Passage over the same to the said Inhabitants of *Beal*, alias *Begball*, their Agents, Workmen, and Servants; as also to the Land Owners of the said Township, their Workmen, Agents, and Servants; or at the Option of the said Land Owners, the Inhabitants to take the Toll

B 4

arising

arising from the Passage of the said Bridge, they the said Inhabitants continuing to support the said Bridge in Manner as heretofore.

For opening  
the Sluices at  
*Beal* Dam in  
Time of  
Floods.

And be it further Enacted, by the Authority aforesaid, That the said Undertakers, their Heirs, and Assigns, shall, upon Request of any of the Owners or Occupiers of Land adjacent to the Lock or Dam at *Beal*, and subject to be flooded by the said River, cause the Sluices to be drawn up and opened at *Beal* Dam, at some convenient Time or Times, after every Flood, and shall permit the same to remain open so long as shall be sufficient to let off the Waters so effectually through *Kellingley* Clough, as to drain the Lands and Grounds thereto adjoining.

For preserv-  
ing the Na-  
vigation of  
the River *Aire*  
below *Castle-  
ford* Bridge.

Provided always, and be it further Enacted by the Authority aforesaid, That in, by, or through, the Cut which the said Undertakers are herein before authorized to make from the East Side of the said River *Aire*, below the Conflux of that River and the said River *Calder*, to fall into and communicate with the said River *Aire*, at or near the

the Elbow of the said River, below the Place called *Rybread Reach* herein before mentioned, or by any Dam or Lock to be erected in, upon, at, or near, such Cut, the said Undertakers, their Heirs, or Assigns, or their Deputies, Agents, Officers, Workmen, Servants, or Assistants, shall not drain, exhaust, stop, or divert, the Water that would otherwise flow or be current in the present Bed of the said River, or below *Castleford* Bridge aforesaid, so as to obstruct or hinder the Navigation of any Barge, Lighter, Vessel, or Boat, from below the said Bridge to the said Cut, where the same shall fall into and communicate with the said River *Aire*, at or near the Elbow of the said River, below the said Place called *Rybread Reach* aforesaid.

And whereas divers Levels and Surveys <sup>Surveys taken.</sup> have been taken to ascertain the Practicability of making the said intended Cuts and Canal, and Maps or Plans of the said Cuts, and of the said Canal, and a Book of Reference thereto, have been made, in Consequence of such Levels and Surveys, through, across, under, or over, the several Estates, Lands, or Grounds, now or late belonging, or reputed to

Maps to be  
authenticated,

and allowed  
to be Evi-  
dence.

to belong, to the several and respective Persons particularly mentioned in the said Book of Reference; **Be it therefore Enacted and Declared,** That there shall be Two Parts made of each of the said Maps or Plans, and Book of Reference, which shall be certified by the Right Honorable the Speaker of the Honorable House of Commons for the Time being, and severally deposited and kept in the Office of the Register for the West Riding of the County of York, and the Clerk to the said Undertakers for the Time being, to which all Persons shall have Liberty to resort, and make Extracts or Copies thereof as Occasion shall require, paying to the said Register or Clerk after the Rate of Six Pence for every One Hundred Words; and the said Maps or Plans, and Books of Reference, so certified, or a true Copy or Copies thereof, with or without Stamps, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk to the said Undertakers for the Time being, upon Fourteen Days Notice to him given for that Purpose, shall, from Time to Time, produce the said Maps or Plans, and Book of Reference, in his Custody, before the Commissioners hereinafter

hereinafter appointed, and their Successors, or any Jury or Juries to be impaneled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence.

**And be it further Enacted,** That the said Undertakers, their Heirs and Assigns, in making the said intended Cuts and Canal, or any of them, shall not deviate more than Sixty Yards, from the Course or Direction in the said Maps or Plans, and set forth in the said Book of Reference, nor cut or carry the same into, through, across, under, or over, any other Part or Parts of the several Estates, Lands, and Grounds, now or late belonging, or reputed to belong, to such Person or Persons respectively, than are mentioned in the said Book of Reference.

Cuts and Canal to be made pursuant to the Plan.

**Provided always, and it is hereby further Enacted and Declared,** That the said Undertakers shall and may make the said intended Cuts and Canal into, through, across, or over, the Estates, Lands, or Grounds, of any Person or Persons whomsoever,

Land Owners omitted in the Book of Reference, not to obstruct making the Improvements.

soever, into whose Estates, Lands, or Grounds, such Deviations as aforesaid shall extend, although their Names are not mentioned in the said Book of Reference, or into the Estates, Lands, or Grounds, of any Person or Persons whose Name or Names shall appear to the Satisfaction of the said Commissioners, and be by them certified under their Hands to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons to whom such last mentioned Estate, Lands, and Grounds, do not belong, have or hath been by Mistake inserted therein, any Thing herein contained to the Contrary thereof in anywise notwithstanding.

Restraint  
of Powers  
through Lord  
*Irwin's*  
Estates.

**Provided always, and be it further Enacted,** That it shall not be lawful for the said Undertakers, their Heirs, or Assigns, to make any other Cut or Canal through any of the Lands or Grounds of the Right Honorable *Charles* Lord Viscount *Irwin*, other than such as are particularly mentioned and described in the Maps or Plans, and Book of Reference, herein before mentioned, or to make any new Road or Roads through, or

to dig, take or carry away, any Clay, Gravel, Stone, or other Materials, from or out of any of the Lands or Grounds of the said Lord *Irwin*, lying upon the North or North East Side of the said River *Aire*, for making, maintaining, or repairing, any of the Works hereby authorized to be made, or to make or use any new Towing-Path or Paths for the Haling of Vessels upon any of the Lands or Grounds of the said Lord *Irwin*, lying upon or adjoining to the said River *Aire*; between the Town of *Leeds* and *Castleford* Bridge, save and except that upon the Banks of the Cut hereby authorized to be made from some Place in or near the Lands called *The Breaks* to some convenient Place not exceeding Three Chains below the Point opposite to the Coal Staith of the said *Charles Brandling*, the Towing Path shall be upon that Side of the said Cut as shall be next to the said River *Aire*, any Thing herein, or in the said recited Act, contained to the Contrary hereof in anywise notwithstanding.

And be it further Enacted, by the Authority aforesaid, That the said Undertakers, their Heirs, and Assigns, shall make, sup-  
 For support-  
 ing Banks on  
 Lord *Irwin's*  
 Lands, and  
 on the oppo-  
 port, site Shore.

port, and maintain, Banks upon such Parts of the Lands of the said Lord *Irwin* adjoining to the said Rivers, Cuts, or Canal, except the Lands adjoining to *Cryer* Cut, as the said Lord *Irwin*, his Heirs, and Assigns, shall require, Three Feet, at the least, higher than the Crown of the Dams adjoining or near to the said Lands; **Provided** always, That where such Banks shall be so raised, the Banks on the opposite Side of the River shall be raised for the same Length, so as to be equal in Height to them.

Lands may  
be entered to  
set out the  
Cuts and Ca-  
nal.

**And be it further Enacted,** That it shall and may be lawful to and for the Agents, Servants, and Workmen, of the said Undertakers, their Heirs and Assigns, from Time to Time, and at all Times hereafter, to enter upon the Lands and Grounds of the King's Majesty, his Heirs and Successors, Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, through, upon, or near unto which the said Cuts and Canal, or other Works hereby authorised, are intended to be made, in order to survey and take a Level of the same, and to set out and ascertain such Parts thereof as they shall think necessary or proper

proper for making such Cuts and Canal, and other Works and Improvements, doing as little Damage as may be on those Occasions, and the said Undertakers, their Heirs and Assigns, making Satisfaction for the Damage which may be occasioned thereby to the Owners or Occupiers of such Lands or Grounds for the Time being.

**And be it further Enacted,** That it shall Bodies Politic and may be lawful for the King's Majesty, impowered to and all Bodies Politic, Corporate or Collegiate, sell Lands, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue-unborn, Lunatics, Idiots, Femmes-Covert, or other Person or Persons, and to and for all Femmes-Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any Messuages, Mills, Lands, Tenements, or Hereditaments, which

which may be proper and convenient for, and facilitate the carrying on and effecting the said Cuts or Canal, or other the Improvements in the said Navigation, to contract with the said Undertakers, their Heirs and Assigns, for the Sale of and to sell and convey unto their Trustees, their Heirs and Assigns, in Trust for the said Undertakers and their Heirs, for the Use of the said Navigation, all or any Part of such Messuages, Mills, Lands, Tenements, or Hereditaments, either in Consideration of a Sum of Money to be paid in Gross, or of an annual Rent or Payment, to be charged and secured as hereinafter mentioned; and where, by making of the said Cuts or Canal, the Property of any Land Owner shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall and may be lawful to and for the King's Majesty, his Heirs and Successors, and all Bodies Politic, Corporate, and Collegiate, and all other Persons under any of the aforesaid Disabilities, by and with the Consent of the Commissioners to be appointed as hereinafter mentioned, to be testified by any Writing or Writings to be by them sealed and delivered, in the Presence of,

and

and with Consent of Commissioners to exchange Lands.

and attested by two or more credible Persons, to contract for, sell, and dispose of, or to convey in Exchange in Lieu of other Lands, all or any Part of such Lands or Grounds, through or near which the said intended Cuts or Canal shall be made, to any Person or Persons whomsoever, for such Price or Prices, in Money or other Equivalent, as to the said Commissioners shall seem reasonable; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom, to the Contrary thereof, in anywise notwithstanding; and the King's Majesty, His Heirs and Successors, and all Bodies Politic, Corporate or Collegiate, and all Persons whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, or they, or any of them, shall respectively do, by Virtue or in Pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, <sup>Contracts to be inrolled.</sup> so to be made as aforesaid, and to which the said Undertakers, or any of them, shall be Parties, shall, at the Expence of the said Undertakers, their Heirs and Assigns, be inrolled

True Copies  
to be Evi-  
dence.

with the Register for the West Riding of the County of *York*; and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrolment, or Copy thereof, shall be taken the Sum of Six Pence and no more, for every One Hundred Words, and so in Proportion for any greater or less Number.

For preserv-  
ing of Copy-  
hold Rights.

**Provided** always, and be it Enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands which are of the Nature of Copyhold, shall be executed and compleated by Surrender thereof in the respective Courts of the Manors whereof such Lands are held, according to the Custom of the said Manors respectively, and shall remain subject to such and the same Fines, Rents, and Services, as are due and payable, or of Right accustomed, in such and the same Manner as if this Act had not been made, any Thing herein contained to the contrary notwithstanding.

Commission-  
ers for settling  
Differences.

**And whereas** Differences may arise between the said Undertakers, their Heirs and Assigns, and the several Owners of and Persons

sons interested in the Messuages, Lands, Tenements, Hereditaments, or other Property which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase-Money to be paid, or Recompence to be made to them respectively ; **Be it therefore Enacted,** That The Right Honourable Sir *Fletcher Norton*, Knight, Speaker of the Honourable House of Commons, The Right Honourable *George Cavendish*, commonly called Lord *George Cavendish*, The Right Honourable *Frederick Cavendish*, commonly called Lord *Frederick Cavendish*, The Right Honourable *John Cavendish*, commonly called Lord *John Cavendish*, The Right Honourable *Richard Cavendish*, commonly called Lord *Richard Cavendish*, The Right Honourable *Brownlowe Bertie*, commonly called Lord *Brownlowe Bertie*, The Right Honourable the Lord Viscount *Downe*, in the Kingdom of *Ireland*, The Right Honourable the Lord Viscount *Lewisbam*, The Honourable *Christopher Dawney*, Sir *Savile Slingsby*, Sir *Griffith Boynton*, Sir *Thomas Frankland*, Sir *George Cooke*, Sir *James Pennyman*, Sir *John Ramsden*, Sir *George Armitage*, Sir *James Ibbetson*, Sir *Charles Sheffield*, Sir *Rowland Winn*,

Commission-  
ers.

*Sir Walter Vavasour, Sir Thomas Gascoigne, Sir Frank Standish, Baronets, John Arthington, John Alcock, Robert Arthington, William Bagshaw, Gabriel Brooke, Woodisfield Beckwith, Joseph Bilton, John Blayds, Edmund Barker, Samuel Buck, Richard Henry Beaumont, Samuel Barlow, John Beckett, Roger Baine, Charles Barnard, Thomas Barstow, junior, Joseph Beckett, The Reverend James Brooke, Clerk, Charles Swain Booth Sharpe, Robert Burton, Johnson Atkinson Busfield, Abraham Balme, Benjamin Bartlett, The Reverend John Burton, Clerk, William Bosville, Charles Brandling, William Banks, Christopher Bramley, John Bradley, Francis Billam, Nathaniel Cholmley, George Cotton, John Cookson, M. D. Oliver Cogbill, Stephen Croft, Stephen Croft, junior, Samuel Crompton, Samuel Crompton, junior, Richard Cotton, The Reverend Thomas Collins, Clerk, Charles Crowle, Roger Crowle, George Cooke, Mordecai Cutts, William Cookson, Merchant, John Calverley, Major Cole, Ambrose Dawson, M. D. The Reverend Samuel Disney, Clerk, Thomas Davison, Thomas Duncombe, Henry Duncombe, Charles Duncombe, William Dawson, of Leeds, Samuel Davenport, Joshua Dixon, William Denison, Robert Denison, Robert Dyneley, of Skipton, Robert Dyneley, John Denham, James Donaldson, John Dunnington, Giles Earle, Anthony*

*Anthony Eyre, William Eamonson, John Elam, Samuel Elam, Emanuel Elam, Francis Farwkes, The Very Reverend John Fountaine, Dean of York, William Frankland, Bacon Frank, Richard Fenton, Savile Finch, Thomas Frankland, Robert Fairfax, Guy Fairfax, Fairfax Fearnley, Barnard Foord, James Farrer, John Farrand Foljambe, William Fenton, Thomas Fenton, Joshua Field, James Fenton, Thomas Fenton, of Leeds, Joseph Fountain, William Fisher, Edward Gray, Henry Goodrick, The Reverend Henry Goodrick, Clerk, William Garforth, Richard Green, Wilmer Gossip, Joseph Green, Merchant, The Reverend John Hey, Clerk, Anthony Hall, The Reverend Francis Hall, Clerk, The Reverend John Heber, Clerk, The Very Reverend William Herring, Dean of St. Asaph, The Reverend Levet Harris, Clerk, Joshua Horton, The Reverend Sandford Hardcastle, Clerk, George Hartley, Mann Horsfield, Thomas Heelis, Samuel Harper, Robert Harper, Selwood Hewitt, Stanhope Harvey, The Reverend Thomas Hudson, Clerk, Henry Hemingway, John Hustler, William Hird, M. D. John Hill, M. D. John Baker Holroyd, William Hague, Richard Humble, William Tuffnel Jolliffe, Ebenezer Jackson, Peter Johnson, Francis Ingram, George Iveson,*

*Nathan Jowett, John Knowles, William Kil-*  
*vington, M. D. John Hatfield Kaye, Richard*  
*Kaye, LL. D. Samuel Keeling, James Kenyon,*  
*The Reverend Richard Kirshaw, Clerk, Da-*  
*niel Lascelles, Edward Lascelles, Thomas Lodge,*  
*Edmund Lodge, The Reverend Thomas Lam-*  
*plugh, Clerk, Samuel Lunn, Thomas Lister, of*  
*Gisburne Park, Richard Lee, Samuel Lister,*  
*Thomas Leach, Anthony St. Leger, Timothy Lee,*  
*D. D. Gamaliel Lloyd, The Honourable Lieu-*  
*tenant General Robert Monckton, Thomas Med-*  
*hurst, Thomas Moore, William Milner, Francis*  
*Maude, Richard Markbam, Thomas Midgley,*  
*Jonathan Midgley, Pemberton Milnes, James*  
*Milnes, John Milnes, James Milnes, junior,*  
*John Sawry Morrit, William Masterman, Ran-*  
*dolph Marriott, The Reverend Randolph Mar-*  
*riott, D. D. John Marriott, William Marriott,*  
*Daniel Maude, William Mellish, Richard Mic-*  
*kletbwaite, William Meeke, William Meyer,*  
*Charles Mellish, Darcy Molineux, William Nor-*  
*ton, Fletcher Norton, Edward Norton, of Saw-*  
*ley, George Neltborpe, John Nicolls, The Ho-*  
*nourable Robert Ord, Lord Chief Baron of*  
*Scotland, Humphry Osbaldiston, George Oates,*  
*Josiah Oates, Samuel Oates, The Reverend Ed-*  
*ward Place, Clerk, The Reverend Marwood*  
*Place,*

Place, Clerk, *Lionel Place*, of *Green Hamerton*, *Lionel Place*, of *York*, *Robert Parker*, The Reverend *Samuel Phipps*, Clerk, The Honourable *George Perrott*, one of the Barons of His Majesty's Court of *Exchequer*, *Michael Pilkington*, *Harrison Pilkington*, *John Pollard*, *Richard Peacopp*, *William Rookes*, *William Roundall*, *Charles Ratcliffe*, *Thomas Ramsden*, *Friebville Ramsden*, *George Ramsden*, *Ingram Rider*, *Francis Russell*, *John Spencer*, *Walter Stanhope*, *Thomas Slingby*, *Miles Staveley*, *John Smeaton*, *Henry Smithson*, *John Shepley*, *Nicholas Smith*, *Nicholas Smith*, junior, *Richard Sclater*, *Henry Stapleton*, *Lejonder Starkie*, *William Stanhope*, The Reverend *Peter Simon*, Clerk, *Anthony Surtees*, *Thomas Stapleton*, *Francis Sykes*, *John Silvester*, *John Sylvester Smyth*, *William Southeron*, The Reverend *Sidney Swinney*, Clerk, *Samuel Scatcherd*, *William Sykes*, *Francis Smith*, *John Staggs*, *Francis Smith*, junior, *James Smith*, of *Holbeck*, *John Smith*, of *Holbeck*, *Thomas Strother*, *Myles Stapleton*, *Charles Turner*, *Thomas Thornbill*, *George Thornbill*, The Reverend *Richard Thompson*, Clerk, *Beilby Thompson*, *Thomas Thornton*, *Samuel Tooker*, *Richard Thompson*, *John Thompson*, *Henry Thompson*, of *Kirkby-hall*, The Reverend

*James Torre*, Clerk, *James Torre*, junior, *Nicholas Torre*, Colonel *Francis Twissleton*, Colonel *Thomas Twissleton*, *Stephen Tempest*, *John Thompson*, *William Tottie*, *Walter Vavasor*, *Henry Wickbam*, *Richard Wainman*, *Richard Wainman*, junior, The Reverend *Christopher Wilson*, D. D. *Richard Wilson*, his Son, *Charles Wilkinson*, The Reverend *James Wilkinson*, Clerk, *Francis Wood*, *Charles Wood*, of *Bowling*, The Reverend *Henry Wood*, of *Hemsworth*, Clerk, *Joshua Wilson*, *Joshua Wilson*, junior, *William Wilson*, *Richard Wilson*, The Very Reverend *Francis Wanley*, D. D. Dean of *Ripon*, *William Weddell*, *Thomas Wolrich*, *Hatton Wolrich*, *John Wilcock*, *Edward Wilks*, *Joseph Wilks*, *Haigh Walker*, *Richard Wood*, *Michael Wood*, The Reverend *James Willoughby*, Clerk, Rector of *Guiseley*, *Samuel Wood*, *William Winn*, *Thomas Wynn*, *Edward Wortley*, The Reverend *Thomas Wilson*, Clerk, *Thomas Weddale*, *Thomas Wharrey*, *Morley Wharrey*, *Peregrine Wentworth*, The Reverend *John Wheater*, Clerk, *John Woodyear*, *Edward Winn*, *William Walker*, The Reverend *Thomas Wright*, Clerk, *William Walker*, *John Wormald*, and *Samuel Zouche*, together with the present Commissioners named  
and

and appointed under the Powers and Authorities of the said former Act, shall be and are hereby constituted and appointed Commissioners for the Purposes hereinafter mentioned.

**And be it further Enacted,** That the said Clerk to be Undertakers, their Heirs and Assigns, shall, <sup>appointed,</sup> <sup>and Proceed-</sup> at the first Meeting of the said Commissioners, <sup>ings to be en-</sup> <sup>tered in a</sup> <sup>Book.</sup> nominate Three Persons, one of whom the said Commissioners shall elect and appoint to be their Clerk, to attend the said Commissioners at all Meetings to be held by them for the Purpose of executing this Act, and in Default of such Nomination the said Commissioners may appoint such other Person to be their Clerk as they shall think fit; and the said Commissioners shall have Power, from Time to Time, to remove any Clerk by them appointed, and on every such Removal, or other Vacancy, the said Undertakers, upon Notice in Writing to be given to any two of them, shall put three Persons in Nomination to the said Commissioners, who shall thereout appoint one to be their Clerk, and in Default of such Nomination, the said Commissioners may appoint such other Person for their

their Clerk as they shall think fit, and so *toties quoties*; and every such Clerk shall be paid by the said Undertakers, their Heirs and Assigns, for his Attendance on the said Commissioners such Sum or Sums as the said Commissioners shall from Time to Time direct, not exceeding One Guinea per Day; and that all Orders, Bye-Laws, Constitutions, and Proceedings of the said Commissioners, to be made by Virtue of the Powers of this Act, (save and except such Verdicts, Judgments, Sentences, and Decrees, hereinafter directed to be filed with the Register for the West Riding) shall, by such Clerk, be entered in a Book or Books to be kept for that Purpose, and such Orders, Bye-Laws, Constitutions, and Proceedings, when entered, shall be signed by the Commissioners making the same, and the Clerk attending the said Commissioners is hereby required to set his Name as a Witness thereto; and the said Orders, Bye-Laws, Constitutions, and Proceedings so signed and attested shall be deemed and taken to be Originals, and shall be admitted as Evidence in all Courts whatsoever, and such Book or Books shall be seen and perused at all reasonable Times, and Copies thereof, or any Part thereof

thereof, may be taken by any Person or Persons whomsoever, paying to the said Clerk after the Rate of Six-pence for every One Hundred Words, and One Shilling for each Inspection.

**And**, for supplying the Number of the said Election of Commissioners, in Case of Death or Refusal <sup>new Commis-</sup> to act, the surviving or other Commissioners shall, from Time to Time, by Writing under their respective Hands and Seals, to be recorded by the Clerk attending the said Commissioners, nominate and appoint some other Persons within the said County of *York*, duly qualified, as hereinafter is provided, in the Place of him or them so dying, or refusing to act, which said new Commissioner and Commissioners, so nominated and appointed, shall from thenceforth have the like Power and Authority in all Things relating to the Execution of this Act, as if expressly named herein.

**And be it Enacted**, That in Case it shall <sup>Power for</sup> happen that the surviving or acting Com- Justices to ap-  
missioners shall at any Time neglect or refuse <sup>point Com-</sup> to nominate and appoint such new Commis- missioners, on  
<sup>Neglect.</sup> oners

oners as aforesaid, or that for Want of a proper Number of Commissioners in the Neighbourhood it shall become difficult to procure a Meeting or Meetings for executing any of the Powers of this Act, and Complaint thereof shall be made to the Justices of the Peace, at their Quarter Sessions to be held for the West Riding of the County of *York*, they the said Justices shall, and they are hereby authorized and impowered to hear such Complaint, and (upon the Want of Commissioners being made out to their Satisfaction) to nominate such fit and proper Persons, resident within the County of *York*, duly qualified, as hereinafter is provided, to be Commissioners for the Purposes of this Act, as they shall think fit; and the Commissioners so nominated and appointed shall from thenceforth have the like Powers and Authorities, as if appointed under the Authority hereby given to the surviving or acting Commissioners.

Commission-  
ers under this  
Act to be  
Commission-  
ers under the  
former Act.

**And be it further Enacted,** That the several Persons named and appointed Commissioners for executing the Powers and Authorities of this Act, and their Successors, shall also be Commissioners for executing the Powers  
of

of the said former Act, and shall, from Time to Time, have Use and Exercise, and be invested with such and the same Powers and Authorities for the Execution thereof, as if they were respectively named and appointed Commissioners in and by, or under the Authority of the said former Act.

**Provided always, and be it Enacted,** <sup>Qualification of Commis-</sup>  
That no Person shall act as a Commissioner <sup>oners.</sup>  
in any Case where he shall be any ways interested in the Matter in Question; nor shall any Commissioner act in the Execution of any of the Powers hereby given, unless he shall be seised in his own Right, or in the Right of his Wife, and not as a Mortgagee, at the Time of such his acting, of an Estate in Land of the yearly Value of Two Hundred Pounds at the least, or possessed of a personal Estate of the Value of Four Thousand Pounds at the least. And if any Person so being incapable shall presume to act as a Commissioner, every such Person shall, for every Offence, forfeit the Sum of Fifty Pounds to any Person who will sue for the same, to be recovered, with full Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record at  
*Westminster,*

*Westminster*, in which Action no Effoign, Protection, Priviledge, or Wager at Law, or more than one Imparlance, shall be allowed; and such Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act, and that no Person shall act as a Commissioner (otherwise than in administering the following Oath) until he shall have taken and subscribed the Oath following; which Oath the said Commissioners are hereby authorized and empowered to administer to each other, so that Five Commissioners in the Whole be present.

Commissioners Oath.

*I A. B. do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me by an Act of Parliament made in the Fourteenth Year of the Reign of His Majesty King George the Third, to amend an Act passed in the Tenth and Eleventh Years of*

*of the Reign of King William the Third, intituled, " An Act for the making and " keeping navigable the Rivers of Aire and " Calder in the County of York ;" and for improving the Navigation of the said River Aire, from Weeland to the River Ouze; and for making a navigable Canal from the said River Aire, at or near Had-lesey, to the River Ouze, at the Old Brick Garth at Ouze Gate End, within the Township of Selby, in the said County; and for other Purposes.*

So help me G O D.

**Provided** always, and be it Enacted, <sup>Number of</sup> That all and every the Powers, Authorities, <sup>Commission-</sup> Matters, and Things by this Act given or <sup>ers to make a</sup> Quorum. directed, to be done by or before the said Commissioners, (except in Respect to the making of Bye-laws) shall and may be done, performed, and executed by or before any Five of such Commissioners respectively, so that Five of the said Commissioners shall at all Times make and be a Quorum, and sufficient Number for effecting and executing the several Powers and Authorities given to, and vested

vested in, the said Commissioners by this Act, any Thing herein contained to the contrary notwithstanding.

Notice of  
Meetings to  
be given.

**Provided also, and be it Enacted,** That no Meeting whatsoever of the said Commissioners shall at any Time or Times be had for putting in Execution any Powers or Authorities vested in them by Virtue of this Act, nor any Order, Direction, or Appointment of the said Commissioners, or any of them, touching any of the Matters and Things herein contained, shall be binding and effectual, unless previous Notice of every such intended Meeting shall be first given, and inserted in the *Leeds* and *York* Weekly News-Papers, at least Ten Days before such intended Meeting of the said Commissioners, for any of the Purposes herein contained; and every such Notice is to specify the Day, Hour, and Place of such Meeting or Meetings respectively, and the several Matters and Things then and there proposed to be done, (and which Notice, to be so given in the said News-Papers, shall be at all Times sufficient Notice to all the Commissioners of every such Meeting) and that every Meeting of the said

Commissioners,

Commissioners, by Virtue of this Act, shall be publick.

**And be it further Enacted,** That upon <sup>Meeting of</sup> Application to be made by any Five or more <sup>Commissioners.</sup> of the said Undertakers, their Heirs or Assigns, or by the Owner or Occupier of any Messuage, Land, Tenement, or Hereditament, to be affected by the said intended navigable Cuts, or Canal, or any of the Works relating to the said Navigation, unto the Commissioners appointed by and for the Purposes of this Act, requesting or desiring them to appoint a General Meeting of the Commissioners, the Commissioners so requested or applied to may, and shall, and they are hereby respectively authorized and required, within Seven Days after such Request or Application so made, to give Notice, in Manner aforesaid, of a General Meeting, to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days, nor more than Twenty-one Days from the Day on which such Request shall be made to them as aforesaid. And the said Commissioners are hereby authorized, impowered, and required to assemble at the

D Time

Time and Place so to be appointed, in order to put this present Act, and the Powers and Authorities hereby given to and vested in them, in Execution, and from Time to Time to adjourn themselves, and afterwards meet at such Place and Places as the said Commissioners there assembled shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting, which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then, and in such Case, the Clerk appointed to attend upon the said Commissioners shall and may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the House, where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight next after the Day on which the last Meeting of the Commissioners was so appointed to be held.

Meetings to  
be removed  
at any Time.

**Provided always, and be it further Enacted,** That it shall and may be lawful for the said Commissioners, and they are hereby empowered, although they shall not be assembled

bled at a Meeting to be held by Virtue of this Act, from Time to Time, and at all Times, upon such Request made as aforesaid, by Notice in Writing, signed by them and published in Manner aforesaid, to summon a Meeting of the said Commissioners at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages, as are herein directed to be settled and ascertained, notwithstanding any Adjournment, or Non-Adjournment of the said Commissioners.

**And be it further Enacted,** That the said Commissioners and their Successors shall be, Commissioners Office and Power. and are hereby impowered and authorized, and shall have full Power and Authority, to mediate between the said Undertakers, their Heirs and Assigns, and the Owners, Occupiers, and other Persons interested in such Messuages, Lands, Weirs, Mills, Tenements, and Hereditaments, or other Property, as shall be cut through, covered, damaged, or made use of, in the carrying on, maintaining, or effecting the said several Cuts, Canal, Works, and Improvements, or any of them; and to settle, ascertain, and determine what

D 2                      Satisfaction,

Satisfaction, either by an annual Rent or Payment, or by a Sum of Money in Gross or otherwise, the King's Majesty, his Heirs or Successors, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Person and Persons shall have, for or in Respect of the Loss or Damage, thereby to be by them respectively received or sustained, and to settle and ascertain what Share and Proportion of such annual Rent or Payment, Sum of Money in Gross, or other Satis-

Upon any of  
the Parties  
declining the  
Determina-  
tions of Com-  
missioners,

faction, every Tenant or other Person having a particular Estate, Term, or Interest in any of the Premises, shall have or receive for his, her, or their respective Interest or Right; and if the said Undertakers, their Heirs or Assigns, or any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons whatsoever, shall dislike, or be dissatisfied with any such Determinations of the said Commissioners, or shall decline such Determinations; or if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall, for the Space of Forty Days after Notice in Writing given

not be made?

2. 11

to

to the principal Officer or Officers of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants in Possession of any such Messuages, Lands, Weirs, Mills, Tenements, Hereditaments, or Property, so intended to be cut through, covered, damaged, or made Use of as aforesaid, neglect or refuse to treat, deal, and agree with the said respective Undertakers, their Heirs or Assigns, or by reason of Absence, shall be prevented from treating concerning the Matters aforesaid; then, and in every such Case, the said Commissioners shall and may, and they are hereby authorized, impowered, and directed, from Time to Time, to issue out their Warrant or Warrants under their Hands and Seals, to be directed to the Sheriff of the said County of *York*; or in Case such Sheriff shall happen to be interested in the Matter in Question, then to one of the Coroners of the said County, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury, and the said Sheriff or Coroner respectively, to whom such Warrant or Warrants shall be directed,

or upon Persons refusing to treat with the Undertakers,

the Commis-  
sioners im-  
powered to  
have a Jury  
summoned  
before them  
and Witnes-  
ses,

directed, is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four able and sufficient Men, qualified according to the Laws and Statutes of this Realm, to be returned for Trials of Issues joined in His Majesty's Courts at *Westminster*, to appear before the said Commissioners at such Time and Place, as in and by such Warrant or Warrants shall be directed and appointed, such Time not being less than Six Days after such Warrant shall be served upon the said Sheriff or Coroner respectively, or more than Ten Days after such Service, upon Pain to forfeit for every Default in not making such Return, the Sum of Twenty Pounds to be sued for and recovered in the Manner hereinafter directed; and also to return in Issues upon every Person so impanelled and returned, not appearing according to the true Intent and Meaning of this Act, the Sum of Forty Shillings, which shall be levied by Distress and Sale of the Goods and Chattels of the Person not appearing as aforesaid, to the Use of the said respective Undertakers, their Heirs and Assigns, by Warrant or Warrants under the Hands and Seals of the said Commissioners; and, in case a sufficient Num-  
ber

ber of Jurymen shall not appear; the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen; and the said Commissioners are hereby impowered by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occasion shall require, to summon and call before them, all and every such Person and Persons, as shall be thought proper, or necessary to be examined, as Witnesses concerning the Matters in Question; and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Question; which Jury, upon their Oaths to be administered by the said Commissioners, (and which Oaths, as also the Oaths to such Person or Persons, as shall be called upon to give Evidence, the said Commissioners are hereby impowered to administer) shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of

and may order  
the Jury to  
view.

Jury to assess  
Damages,

and Commis-  
sioners give  
Judgment  
finally.

the Messuages, Lands, Weirs, Mills, Tene-  
ments, or Hereditaments, or the Recompence  
to be made for Damages to the Owners and  
Occupiers of, and Persons interested in, any  
such Messuages, Lands, Weirs, Mills, Tene-  
ments, or Hereditaments, or other Property,  
that shall or may be sustained as aforesaid,  
and to settle and ascertain in what Proportion  
the Sum or Sums, or other Recompence so  
assessed, shall be paid or made to the several  
Persons interested in the Premisses ; and the  
said Commissioners shall give Judgment for  
such Sum or Sums, Damages and Recom-  
pence, so to be assessed by such Juries ; and  
shall, upon Oath as aforesaid, and by all other  
lawful Ways and Means, examine, hear and  
finally determine all, and all Manner of De-  
bates, Controversies, Disputes, and Questions,  
which shall happen and arise between the Par-  
ties then in Difference, concerning any Matter  
and Thing relating to the aforesaid Premisses,  
or any Part thereof ; which said Verdict, and  
the Judgment, Sentence, Decree, and Deter-  
mination thereupon declared or pronounced  
by the said Commissioners, and the Value and  
Recompence so to be decreed and assessed,  
(Notice in Writing being first given of their  
Meeting

Meeting at least Six Days before such Meeting, to the Parties concerned, or left at their Dwelling-Houses or usual Places of Abode, or with the Tenant or Occupier of the Premises, or at his, or their usual Places of Abode) shall be binding and conclusive, to all Intents and Purposes, against the King's Majesty, His Heirs and Successors, and against all and every other Party or Parties, their Heirs, Successors, Executors, Administrators, or Assigns, and all others claiming any Title or Interest in the same Messuages, Lands, Weirs, Mills, Tenements, Hereditaments, or other Property, or any Thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies Politic and Corporate, Idiots, Infants, Lunatics, Femes-Covert, Tenants in Tail, as others, and their respective Heirs, Successors, Executors, and Administrators, and all claiming by, from, or under him, her, or them, or any of them.

And be it further Enacted, That every Commission-  
 of the Commissioners, who shall act as a Justice ers may act as  
 of the Peace for the West Riding of the Justices.  
 County of York, or for the Borough of Leeds,  
 shall

shall and may, and is hereby impowered to act as a Justice of Peace, in the Execution of this Act, notwithstanding his being a Commissioner.

Witnesses not appearing, or refusing to be sworn,

and Jurymen refusing to be sworn, or give a Verdict.

**Provided also, and be it Enacted,** That if any Person or Persons, summoned as aforesaid to give Evidence, shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be appointed, in the Warrant or Warrants granted by the said Commissioners, or appearing, shall refuse to be sworn or examined by, or give Evidence before the said Commissioners; or if any Person summoned as a Jurymen as aforesaid, shall, after his Appearance, refuse to be sworn, or, being so sworn, refuse to give or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premises, contrary to the true Intent and Meaning of this Act; every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, shall, for every such Offence, forfeit and pay any Sum to be fixed by the said Commissioners, not exceeding the Sum of Five Pounds, to be levied by Warrant or Warrants, under the Hands and Seals of the said acting Commissioners,

missioners, by Distress and Sale of the Offenders Goods, rendering the Overplus, if any such there be, to the Owner thereof, after the Penalty and incidental Charges are deducted.

**Provided also, and be it further Enacted,** Commissioners to determine who shall pay the Expence of the Jury and Witnesses.  
That in case any Jury, to be summoned and sworn as aforesaid, shall give a Verdict for more Monies, as a Recompence or Satisfaction for any Messuages, Lands, Weirs, Mills, Tenements or Hereditaments, or other Property, or for any Damage to be done thereto, than what shall have been offered by the said Undertakers, their Heirs or Assigns, before the summoning or returning of such Jury for such Recompence or Satisfaction, that then the Expences of summoning and maintaining such Jury, and the Witnesses, shall be paid by the said Undertakers, their Heirs and Assigns; but if any such Jury shall give a Verdict for no more, or for less Monies, than shall have been offered by the said Undertakers, their Heirs or Assigns, before the summoning, and returning such Jury for such Recompence or Satisfaction, that then the Expences of summoning and maintaining such Jury,  
and

and the Witnesses, shall be borne by the Person or Persons, with whom the said Undertakers shall have such Controversy or Dispute; and such Expences, having been ascertained and settled by the said Commissioners, shall be deducted and taken out of the Monies so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes, to be a Payment and Tender of the Whole Sum or Sums so assessed and adjudged.

Persons re-  
questing a  
Jury to enter  
into Bond to  
prosecute.

And be it further Enacted, That all and every Person or Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall issue their Warrant or Warrants for the summoning such Jury as aforesaid, first enter into a Bond with one or more sufficient Surety or Sureties to the Clerk to the said Undertakers for the Time being, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint; and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in Case such a Verdict shall be given,

as

as shall make them liable, under the Directions of this Act, to pay such Costs and Expences.

**And be it further Enacted,** That the said Commissioners shall not take Notice of any <sup>Notice of Injury to Undertakers before</sup> Complaint or Complaints to be made by any <sup>Complaint to the Commissioners.</sup> Person whatsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, unless Application shall have been made for a Satisfaction for such Injury or Damages, and the Nature and Amount thereof, specified in Writing, shall have been signified by or on Behalf of such Person or Persons, unto Three or more of the Undertakers of the said Navigation for the Time being, or to their known Agent or Agents, at least Thirty Days previous to such Complaint; nor unless such Complaint shall be made to the said Commissioners within the Space of Six Calendar Months next after such supposed Injury or Damages shall have been sustained.

**And be it further Enacted,** That all and <sup>Penalty on giving false Evidence.</sup> every Person or Persons, who, in any Examination to be taken by virtue of this Act, shall

shall give false Evidence before the said Commissioners, or before any Justice of the Peace, shall and may be prosecuted for the same; and upon Conviction thereof, shall be subject to such Punishments, and Disqualifications as any Persons can or may be subject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

**Purchase-Money due to Corporations and Trustees to be laid out to the same Uses.**

**And be it further Enacted,** That all Sums of Money which are to be paid to any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunatics, Idiots, Femmes-Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands are limited in strict Settlement, for the Purchase or Exchange of any Messuages, Lands, or Tenements aforesaid, shall, in case the same exceeds the Sum of Twenty Pounds, by such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons seized of Messuages;

Messuages, Lands, or Tenements, so limited in strict Settlement, be laid out as soon as conveniently may be in the Purchase of Messuages, Lands, Tenements, or Hereditaments in Fee Simple, and conveyed to or to the Use of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or to and for such other Person and Persons, and for such Estates, and to, for, upon, and subject to, such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands or Grounds, for or in respect whereof such Purchase Monies received in Exchange shall be so paid as aforesaid, were limited, settled, and assured, at the Times such Purchase Monies were so agreed for, ascertained, or assessed respectively as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect, such Conveyances and Settlements (other than those which concern any Purchase or Exchange between any of the respective House-Owners, Mill-Owners, and Land-Owners as aforesaid) to be made at the Expence of the said Undertakers, their Heirs and Assigns; and

and in the mean Time, and until such Purchase or Purchases shall be made, the said Monies shall be placed out, by such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbonds, Guardians, Committees, or other Trustees, Person or Persons, in some of the Public Funds, or on Government or Real Securities, in the Names of Two Persons as Trustees; the One to be nominated by the Party or Parties interested therein, and the other by the said Commissioners; and the Interest arising or to be produced from such Funds or Securities, and also the annual Rent or Rents for such Messuages, Lands, Tenements, or Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid unto such Person or Persons respectively as would, for the Time being, be intitled to the Rents, and Profits of such Messuages, Lands, Tenements, or Hereditaments, so to be purchased, in case the same were purchased, and settled pursuant to the Tenor, and true Meaning of this Act.

Commission-  
ers to settle  
the Propor-

And be it further Enacted, That the said Commissioners shall be and are hereby im-  
powered

powered and required to settle, what Share<sup>tion of the</sup> and Proportions of the Purchase-Money or <sup>Money to be</sup> Recompence for Damages, which shall be so <sup>paid to the</sup> agreed for by the said Undertakers, their Heirs <sup>several Per-</sup> and Assigns, or any of them, or determined <sup>sons interest-</sup> and adjusted by the said Commissioners, or <sup>ed.</sup> assessed by the said Juries, in Manner respectively as aforesaid, shall be allowed and paid to each Tenant, or other Person having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interests therein, except in such Cases, where the same are herein directed to be laid out, and invested in the Purchase of Messuages, Lands, Tenements, or Hereditaments.

**And be it further Enacted,** That in De- <sup>In Default of</sup> fault of Payment of such gross Sum or Sums <sup>Payment,</sup> of Money, and at such Times and in such <sup>Rates to be</sup> Manner as shall be assessed and awarded for <sup>liable.</sup> Damages of any Kind, by virtue of this present Act, by the said Commissioners, or by any Jury, the said Commissioners shall, and they are hereby authorized and required to appoint one or more Person or Persons to receive so much of the Rates and Duties by this Act imposed, as shall be sufficient for the Purposes after-  

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mentioned;

mentioned; and thereout, in the first Place, to pay all such Damages so to be determined or assessed as aforesaid, with the Costs (if any) occasioned by such Refusal or Default of Payment, together with legal Interest for the same, to be computed from the Time such Damages shall be awarded; and the Money so to be received by such Person, or Persons, shall, and is hereby declared to be, as so much Money received to the Use of such Person, or Persons, who shall be intitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively, as such Determinations shall be in Priority of Time; and after such Damages and Costs shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine, or otherwise such Party or Parties so aggrieved shall, and may have a Remedy for such Sum, or Sums of Money so to be assessed and awarded, which shall not be paid according to the Judgment of the said Commissioners as aforesaid, with Interest and Costs for the same as aforesaid, by Action at Law, in any of His Majesty's Courts of Record at *Westminster*, against the said Undertakers,

takers, their Heirs and Assigns, to recover the same, with full Costs of Suit.

**And be it further Enacted,** That all and every such yearly Rents or Sums as shall be agreed upon, or settled and ascertained as aforesaid, shall be charged and chargeable on the Tolls, Rates, or Duties arising by virtue of this Act, and shall be paid by the said Undertakers, their Heirs or Assigns, as the same shall become due and payable; and in case of Non-Payment thereof within Forty Days next after the same shall become due, and a Demand thereof made, the said Commissioners are hereby authorized and required, by an Order under their Hands and Seals, to appoint one or more Person or Persons to receive a sufficient Part of the Tolls, Rates, and Duties hereby granted and made payable, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid, or otherwise the said yearly Rents or Sums may be sued for, and recovered with Costs, by

Annual Rents  
how recover-  
able.

Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or, at the Election of the Parties intituled thereto respectively, may be recovered by Distress and Sale of the Goods and Chattels of the said Undertakers, their Heirs and Assigns, in such Manner as the Law directs in Cases of Distresses for Rent.

Decrees to be  
filed with the  
Register for  
the West Ri-  
ding.

**And be it further Enacted,** That all and every the Verdicts, Judgments, Sentences, or Decrees, so made by the said Commissioners, shall be set down in Writing, under their Hands and Seals, and shall be delivered to the Register for the West Riding of the said County of *York*, or his Deputy, and shall be filed in the Register's Office for the said Riding; and the same, or a true Copy or Copies thereof, without Stamps, shall be taken, adjudged, and deemed good and sufficient Evidence and Proof in all Courts of Law or Equity whatsoever; and all Persons may have Recourse to the same at all convenient Times, and may take Copies thereof without Stamps, paying for every such Inspection the Sum of One Shilling, and for every Copy not exceeding One Hundred Words,

Words, the Sum of Six Pence, and so proportionably for any greater or less Number of Words.

**And be it further Enacted and Declared,** That from and immediately after Payment by the said Undertakers, their Heirs or Assigns, of the Sum or Sums so agreed upon, contracted for, or assessed and adjudged for Damages and Costs to the Parties concerned, or for the Purchase of any Messuages, Lands, Weirs, Mills, Tenements, or Hereditaments, or legal Tender thereof made to them respectively, and in case any such Parties cannot be met with, or shall refuse to accept the same, then upon Payment of such Sum or Sums into the Hands of such Person or Persons as the said Commissioners shall, under their Hands in Writing, appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to the Parties interested as aforesaid, all and singular the Messuages, Lands, Weirs, Mills, Tenements, and Hereditaments, for which such Satisfaction shall be so made, shall from thenceforth stand absolutely vested in the several Persons in whom the said Navigation, Tolls and

Satisfaction being made or tendered, the Undertakers may enter and proceed in their Works.

Duties shall be then vested, as Trustees for the Undertakers of the said Navigation, their Heirs and Assigns, to the Use of such Trustees, their Heirs and Assigns for ever, upon Trust for themselves and all other the Undertakers of the said Navigation, their Heirs and Assigns, by virtue of this Act; and that it shall and may be lawful to and for the said respective Undertakers, their Heirs and Assigns, and their Deputies, Officers, Agents, Workmen, and Servants, from thenceforth, to enter upon, remove, dig, cut, or use such or so much of the said Messuages, Lands, Weirs, Mills, Tenements, or Hereditaments, for which such Satisfaction shall have been contracted for, agreed on, assessed, or adjudged as aforesaid respectively, and thereon to make, erect, or do any Works, Matters, or Things for the effecting and carrying on the said intended Cuts, Canal, and other Improvements of the said Navigation, and for supporting and maintaining the same, or for executing any of the Powers of this Act, as the said Undertakers, their Heirs or Assigns, shall think requisite; and to have, use, and enjoy the same to and for their own Use and Benefit; and this Act shall be sufficient

to

to indemnify, as well the said Commissioners, as the said Undertakers, their Heirs and Assigns, and all Persons employed or authorized by them, against the said Owners, Occupiers, or other Persons interested, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person and Persons, to all Intents and Purposes whatsoever; and from thenceforth the King's Majesty, His Heirs and Successors, and all Bodies Politic, Corporate and Collegiate, and all Persons whatsoever, shall be divested of all Right, Title, Property, Claim, and Interest, to or in the same Messuages, Lands, Weirs, Mills, Tenements, and Hereditaments respectively.

**And be it further Enacted,** That the said Undertakers, their Heirs and Assigns, shall, <sup>For making and maintain-</sup> and are hereby required, at their own proper <sup>ing Tunnels and Drains.</sup> Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, Back Drains or Parallel Drains where necessary, or other Passages, over, under, across, by or into the said Rivers, and the several Cuts and Canal authorized to be made by this Act, and the said Trenches, Streams, and Water Courses

communicating therewith, of such Depth and Breadth as shall be sufficient at all Times to convey the Water from the Lands adjoining, or lying near to the said Rivers, Cuts, and Canal; and also to fence in all such Towing-Paths as shall be made for the Use of the said new Cuts and Canal, where the same shall be desired by any of the Owners or Occupiers of the adjoining Lands, or the said Undertakers, their Heirs or Assigns, think expedient; and that such Arches, Tunnels, Culverts, Drains, Back Drains, Parallel Drains, and Passages, and all Towing-Paths and Fences, to be made by virtue of this Act, shall, from Time to Time, be supported, maintained, and kept in good and sufficient Repair, by the said Undertakers, their Heirs and Assigns; and if at any Time or Times after One Calendar Month's previous Notice shall be given by or on Behalf of any Owner or Occupier, Owners or Occupiers, of the said adjacent Lands, who shall find him, her, or themselves aggrieved by the Obstruction of any such Water-Course, to the said Undertakers, their Heirs or Assigns, or their known Agent or Agents for the Time being, and the said Arches, Tunnels, Culverts, Drains,

Drains, or other Passages, shall not be made, cleansed, repaired, and maintained, according to the Intent and Meaning of this Act, it shall and may be lawful for any Person or Persons, having an Order in Writing for that Purpose from the said Commissioners, from Time to Time, as often as there shall be Occasion, to make, open, cleanse, and repair such Arches, Tunnels, Culverts, Drains, Back Drains, Parallel Drains, or other Passages, and the reasonable Expences thereof to be ascertained by the said Commissioners, shall be defrayed by the said Undertakers, their Heirs or Assigns; and in Case of Neglect or Refusal to satisfy the same within Forty Days after Demand thereof made upon them, or any Three of them, or upon their known Agent or Agents, such Expences shall and may be recovered and levied in such Manner, as the Costs and Charges of making and erecting of Bridges and other Works by the Owner or Occupiers of Land are by this Act directed and appointed to be recovered and levied.

**And whereas** in and by the said recited Act, the Undertakers of the said Navigation were

were impowered to ask, demand, recover, and take from all Persons that should send down, or receive up any Goods or Merchandizes on the said Rivers, the several Rates and Tolls therein mentioned; but which Rates and Tolls have not been taken to the Extent of the Powers of the said Act. **And whereas** it will tend greatly to the Satisfaction, as well of the said Undertakers as of all Merchants, Traders, and other Persons concerned in sending, or carrying Goods up and down the said Rivers, Cuts, and Canal, if the Rates, Tolls, and Duties to be taken upon the same were regulated, and more particularly ascertained than is done by the said former Act, **Be it therefore further Enacted, by the Authority aforesaid,** That it shall and may be lawful to and for the said Undertakers, their Heirs and Assigns, in the Room and Stead of the several Rates and Tolls, which by the said former Act they are impowered to receive, and in Satisfaction and Discharge thereof, from and after the Twelfth Day of *August*, One thousand seven hundred and seventy-four, from Time to Time, and at all Times thereafter, to ask, demand, receive, take and recover, to and for their own proper Use and Behoofs.

Behoof, for Tonnage of the several Goods, Wares, Merchandizes, Commodities, or other Things hereinafter mentioned, which shall be navigated, carried, or conveyed, in, upon, or along the said Rivers, Cuts, and Canal, or any of them, within the Limits of the said Navigation, or any Part thereof respectively, such Tolls, Rates, or Duties, (over and besides, what may be paid by the Owners of Goods to the Owners of Vessels for Carriage or Freight) as the said Undertakers, their Heirs or Assigns, shall think fit, not exceeding the several Tolls, Rates, or Duties hereinafter mentioned (that is to say) For every Ton of Tolls and Duties.  
 Dung or Stable Manure, Coals, Cinders, Sleek, Culm, and Charcoal, the Sum of One Halfpenny per Mile. For every Ton of Pigeons Dung and Rape Dust the Sum of One Penny per Mile; and for every Ton of Lime, if carried up the said Rivers and Cuts, or any of them, the Sum of Three Farthings per Mile; and if carried down the same respectively the Sum of One Halfpenny per Mile; and if carried upon the said intended Canal from *Haddesey* to *Selby*, the Sum of Three Farthings per Mile, and so in Proportion for the said several Articles before mentioned

tioned for any greater or less Quantity than a Ton, and for any greater or less Distance than a Mile. And for the Tonnage of the several Goods, Wares, Merchandize, Commodities, or other Things, which shall be carried or conveyed in any Boat, Barge, or Vessel, up the said Navigation, from *Weeland* and the Town of *Selby*, or either of them, to the Towns of *Leeds* and *Wakefield*, or either of them, or down the said Navigation from *Leeds* and *Wakefield*, or either of them, to *Weeland* and the Town of *Selby*, or either of them, such Tolls, Rates, or Duties (over and besides what may be paid for Freight as afore-  
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 . . . . .
said) as the said Undertakers, their Heirs or Assigns, shall think fit, not exceeding the several Tolls, Rates, or Duties hereinafter mentioned, (that is to say) For every Pack Sheet or Bag of Wool, and dried Pelts or Spetches, not exceeding Three Hundred and Twelve Pounds Weight (including the Sheet) the Sum of Ten Pence Halfpenny, and so in Proportion on the Average. For every Quarter, containing Eight Bushels, *Winchester* Measure, of Wheat, Rye, Beans, Oats, Barley, and other Grain, Malt, Rape Seed, Mustard Seed, and Line Seed, the Sum

of

of Six Pence. For every Thirty-two Pecks of Apples, Pears, Onions, and Potatoes, the Sum of Nine Pence. For every Ton of Chalk, Fullers Earth, Pig Iron, Kelp, Flints, Pipe Clay, Callice Sand, and other Sand, except Sand got in the Rivers *Aire* and *Calder*, Stone, Bricks, Whiting, Rags, and old Ropes, Lead, Plaister, Allum, Slate, Old Iron, Tiles, Straw, Hay, and *British* Timber, the Sum of Three Shillings. For every Ton of Fir Timber, Deals, Battins, Pipe Staves, Foreign Oak, Mahogany, and Beech Logs, the Sum of Three Shillings and Six Pence. For every Ton of Flour, and for every Ton of Copperas, Woad, Tallow, and Ashes, Four Shillings. For every Ton of bad Butter, commonly called Grease, the Sum of Four Shillings and Three Pence. For every Ton of Sope the Sum of Five Shillings and Four Pence. For every Ton of Cheese the Sum of Six Shillings. For every Ton of Bar-Iron the Sum of Five Shillings and Six Pence. For every Ton of Powder-Sugar the Sum of Four Shillings and Eight Pence. For every Ton of Currants the Sum of Four Shillings and Eight Pence. For every Ton of Prunes the Sum of Four Shillings and Eight Pence. For every Ton of  
**Brass**

Brass and Copper the Sum of Four Shillings and Eight Pence. For every Ton of Treacle the Sum of Five Shillings and Nine Pence. For every Ton of Madder the Sum of Six Shillings. For every Ton of Argoll or Tarter the Sum of Four Shillings and Eight Pence. For every Ton of Cloth and Bales, and all other Goods, Wares, and Merchandize, the Sum of Seven Shillings, and so in proportion for any of the several Articles before enumerated for any greater or less Quantity than a Ton, and for any less Distance than the whole between the several Places aforesaid.

Exemptions  
from Tolls,

**Provided** always, that no Toll or Duty whatsoever shall be charged or payable for any Goods whatsoever carried up or down the said River of *Aire* below *Weeland*, or for any Dung or Stable Manure carried up or down the said Rivers of *Aire* and *Calder*, or either of them, or upon any of the said Cuts or Canal branching forth from either of the said Rivers, unless such Dung or Manure shall pass and be carried through one of the Locks erected, or to be erected, under and by virtue of the said former or this Act.

For ascertain-  
Tonnage.

And, for the better ascertaining the Tonnage of Timber and other Goods to be charged with

with the Payment of such Rates, Tolls, and Duties as aforesaid, Forty Feet of Oak Timber, or Fifty Feet of Fir, Ash, or Elm-Timber, Deal, Baulk, Poplar, or other Timber-Wood, shall be deemed, rated, and estimated as and for One Ton Weight; and that Ten Yards of Flaggs, or Paving Stone, between One Inch and Two Inches and Three Quarters of One Inch in Thickness, shall be deemed and taken as and for One Ton Weight of such Flaggs or Paving Stone; and as to all other Goods, Wares, and Merchandize, One Hundred and Twelve Pounds Weight Averdupoise shall be deemed and taken as and for One Hundred Weight, and that Twenty of such Hundred Weights shall be deemed a Ton Weight, according to the true Intent and Meaning of this Act.

**And be it further Enacted,** That the said Tolls, Rates, or Duties hereby granted, shall be paid to such Person or Persons, at such Place and Places near to the said Rivers, Cuts, or Canal, or some of them, in such Manner, and under such Regulations as the said Undertakers, their Heirs and Assigns, shall from Time to Time direct and appoint; and in  
Method of  
Recovering  
Tolls.  
case

case any Person or Persons, having the Care  
 of any Boat or Vessel navigating on the said  
 Rivers, Cuts, and Canal, or any of them,  
 shall refuse or neglect to pay the said Tolls,  
 Rates, or Duties, or any Part thereof, upon  
 Demand, to such Person or Persons so to be  
 appointed as aforesaid, the said Undertakers,  
 their Heirs and Assigns, shall and may sue  
 for and recover the same, with full Costs of  
 Suit, as between Attorney and Client, either  
 against the Owner, or against the Person hav-  
 ing the Care of any such Boat or Vessel, by  
 Action of Debt, or on the Case, in any Court  
 of Record, or the Person or Persons so to  
 be appointed to receive the said Tolls, Rates,  
 or Duties may, and he and they are hereby  
 impowered to seize and detain any Boats or  
 Vessels for which the said Tolls, Rates, or  
 Duties ought to be paid, and the Goods on  
 Board the same respectively, until the said  
 Tolls, Rates, and Duties shall be satisfied and  
 paid; and in case such Tolls, Rates, or Duties  
 shall not be paid within the Space of Five  
 Days next after such Seizure made, it shall  
 and may be lawful for the said Undertakers,  
 their Heirs and Assigns, or the Person or  
 Persons so making such Seizure, to sell such  
 Goods,

Goods, Wares, Merchandize, Commodities, Boats, or Vessels, or a sufficient Part thereof, and thereout retain the said Tolls, Rates, or Duties, with the reasonable Charges of such Distress and Sale, rendering the Overplus (if any) to the Owners thereof, after the said Tolls, Rates, Duties, and Charges shall be deducted, satisfied, and paid. And in Case of any Arrears of Tolls, Rates, and Duties, it shall and may be lawful for the said Person or Persons, so to be appointed as aforesaid to receive the said Tolls, Rates, and Duties, to distrain and detain any Goods, Merchandize, or Tackle, on Board such Boat or Vessel on any future Voyage, being the Property of the Owner of such Boat or Vessel, from whom such Arrear of Tolls, Rates, and Duties may be due; and for Want of a sufficient Distress, then to seize and detain such Boat or Vessel, until such Arrears be satisfied and paid; and in Case such Arrears shall not be paid within Fourteen Days next after such Distress or Seizure made, it shall and may be lawful for the said Undertakers, their Heirs and Assigns, or the Person or Persons so making such Distress or Seizure, to sell such Goods, Merchandize, or Tackle, or a sufficient Part thereof,

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thereof, or the said Boat or Vessel so detained, and thereout retain the said Arrears, and the Costs of such Sale, rendering the Overplus, if any there be, to the Owner or Owners of such Boat or Vessel; **Provided** that no such Seizure as aforesaid for Arrears of Tolls, Rates, and Duties, be made, to detain or hinder the Conveyance of Goods, Wares, and Merchandize, that may be on Board such Boat or Vessel belonging to any other Person or Persons than the Owner or Owners of such Boat or Vessel.

Lists of Tolls  
to be set up.

**And** to the End all Persons concerned may be fully informed what Tolls the said Undertakers, their Heirs or Assigns, shall, from Time to Time, direct to be taken and received by their Collectors or Receivers, under the Powers of this Act, **Be it further Enacted**, That the said Undertakers, their Heirs and Assigns, shall, and they are hereby directed, from and after the said Twelfth Day of *August*, One thousand seven hundred and seventy-four, to cause to be set up and placed, and continued upon some conspicuous Part of the Warehouses now belonging to the said Undertakers at *Leeds* and *Wakefield*, and also upon

upon some conspicuous Place on the Outsides of some Warehouse, or other Building, as well at *Armin*, near unto the said River, as at *Selby*, near unto the said intended Canal; and also at some convenient and conspicuous Places at or near unto the respective Locks, where the said Undertakers, their Heirs or Assigns, shall appoint the said Tolls, Rates, or Duties to be collected, and at each and every of such Places an Account or List, painted in large Letters and Figures, of the Tolls, Rates, or Duties which they shall authorize and direct to be paid unto, and received by, their said Collectors or Receivers, for Tonnage of all Goods, Wares, Merchandize, Commodities, and other Things whatsoever, to be navigated, carried, or conveyed in, upon, or along the said Rivers, Cuts, and Canal, or any of them; specifying thereon respectively the Sum or Sums to be paid and taken for Tolls, Rates, and Duties for each Sort and Kind of Goods, Wares, Merchandize, and Commodities, under the Authority of this Act; and from Time to Time, in case the said Tolls, Rates, or Duties shall be varied or altered, to amend and correct the said several Accounts or Lists: And in case the said Undertakers,

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their

their Heirs or Assigns, shall neglect to set up or continue such Lists of Rates as before-mentioned ; or if the said Undertakers, their Heirs, or Assigns, or any of their Collectors or Receivers, shall, at any Time or Times, wilfully take or receive a greater Toll, Rate, or Duty, than shall be set down and ascertained in and by such Accounts or Lists as aforesaid, the Person or Persons so offending, shall forfeit and pay any Sum not exceeding Twenty Pounds, nor less than Five Pounds, to be applied to the Use of the Informer or Complainant.

Tolls may be  
lessened.

**Provided** always, and be it further Enacted, That it shall and may be lawful to and for the said Undertakers, their Heirs and Assigns, from Time to Time to lessen all or any of the said Tolls, Rates, or Duties hereby granted, as they shall think proper ; and afterwards to advance the same respectively to any Sum or Sums of Money, not exceeding the said Tolls, Rates, or Duties granted by this Act ; and that such Tolls, Rates, or Duties, shall be lessened or advanced respectively, on the whole Length, in equal Proportions, upon every Part of the said Rivers, Cuts, or Canal.

**Provided**

**Provided also, and be it Enacted,** That Inhabitants of *Knottingley* the said Undertakers, their Heirs, and Assigns, to pay one or any of them, their, or any of their, Agents Third of Rates to *Weeland*. or Tenants, shall not, nor will, at any Time hereafter, demand, or take, of, and from, the Inhabitants of *Knottingley* for the Time being, any more than One Third Part of such Rates of Tonnage for Passage up and down the said River *Aire*, to and from *Knottingley* to a Place called *Weeland* upon the said River, with their Boats, Vessels, and Barges, as now is, or hereafter shall be, usually taken and received of and from the Inhabitants of *Wakefield*, and others, trading upon the said River, for their Passage up and down the said River, to and from *Wakefield* to *Weeland* aforesaid.

**Provided always, and be it Enacted,** Further That no Boat, Barge, or other Vessel, be- Exemptions of Tonnage for Lime- longing to the said Town of *Knottingley*, or any other Town or Place, situate, lying, or Vessels at and below *Knottingley*. being, on the Banks of the said River *Aire*, between the said Town of *Knottingley* and the Place where the *Aire* falls into the River *Ouze*, laden with Lime only, shall be subject or liable to any Duty or Toll for passing through any Locks or Weirs erected, or to

be erected, by the Authority of the said former or this Act, below *Knottingley* Mill-Dam, except such Locks or Weirs as may be erected upon the said Cut or Canal intended to be made from some Part of the Township of *West Haddesey* and *Chapel Haddesey*, or one of them, to *Selby* as above-mentioned.

No Settlement or Mortgage to be affected.

**Provided also, and be it Enacted and Declared,** That nothing in this Act contained shall revoke, annul, or alter any Will, Settlement, Mortgage, Deed, or Lease, or Prejudice any Person or Persons having or claiming any Estate, Right, Title, Interest, or Incumbrance, of, in, to, or out of the Tolls or Duties granted, and made payable by the said former Act, or any Part or Parts thereof, or any Securities thereof; but that the several Rates, Tolls, and Duties hereby substituted and given to the said Undertakers, their Heirs and Assigns, shall remain, be, and enure, and be held and enjoyed by the several Persons intitled thereto, and interested therein respectively, subject to such and the same Wills, Settlements, Mortgages, Deeds, Leases, Limitations, Conditions, Charges, and Incumbrances, as their several and respective Shares

Shares and Proportions of Right, Title, or Interest in the Tolls or Duties by the said former recited Act granted, were subject or liable to at the Time of passing this Act.

**And be it further Enacted and Declared,** <sup>Tolls free from Taxes.</sup> That the said Cut or Canal from *Haddesey* to *Selby*, and the Tolls, Rates, and Duties to be taken upon the same, under the Authority of this Act, shall at all Times be exempt from the Payment of any Taxes, Rates, Assessments, or Impositions whatsoever, other than and except such Taxes, Rates, and Assessments, as the Land, which shall be used for the Purpose of the said Navigation would have been subject to if this Act had not been made; and that the said Rivers, or any of the Cuts under the Authority of this Act, shall not be subject or liable to the Payment of any Taxes, Rates, or Assessments, save and except such Taxes, Rates, and Assessments, as have been and now are usually charged and assessed thereon, any Law or Statute to the contrary notwithstanding.

**And** for the more easy and regular ascer- <sup>Reports to be</sup> taining the said Tolls, Rates, and Duties, <sup>made of</sup> Loading, and

Directions for  
Masters of  
Vessels.

**Be it further Enacted,** That every Person having the Charge of any Boat or Vessel passing on the said Rivers, Cuts, or Canal, shall render a true Account in Writing, signed by himself, unto such Person or Persons as shall, from Time to Time, be appointed by the said Undertakers, their Heirs or Assigns, to be the Collector or Collectors of such Tolls, Rates, and Duties, and at such convenient Place or Places, contiguous to the said Navigation, as shall be appointed by the said Undertakers, their Heirs or Assigns, containing the Quantity, Quality, Number, and Weight, of the Goods, Wares, Merchandize, Commodities, and other Things which shall be in or belong to such Boat or Vessel, and at what Place or Places the same were taken on Board, and also at what Place or Places the same shall be landed or unloaded; and also of the Quantity, Quality, and Weight, of such Goods, Wares, Merchandize, Commodities, and other Things, as shall have been discharged or taken out of such Boat or Vessel, before the Arrival thereof, at the Place where such Account is to be given; and in Failure of giving such Account, or in case a false Account shall be given, every such Person

son shall, for every such Offence, forfeit the Sum of Five Pounds, over and above the Payment of such Tolls, Rates, and Duties.

And if any Difference shall arise between any Collector of the said Tolls, Rates, or Duties, <sup>Goods to be weighed in case of Difference.</sup> and the Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, Merchandize, Commodities, or other Things, concerning the Quantity, Quality, Number, or Weight, of the same, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, gauge, or number, or cause to be weighed, measured, gauged, or numbered, all such Goods, Wares, Merchandize, Commodities, and other Things; and in case the same shall appear to be of greater Weight, Quantity, or Number, or of different Quality than such Person declared the same to be, in every such Case, such Person shall pay the Costs and Charges of such Weighing, Measuring, Gauging, and Numbering; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered, as the said Tolls, Rates, and Duties, are hereby appointed to be recovered; but if such Goods, Wares, Merchandize, Commodities,

or

or other Things, shall appear to be of no greater Weight, Quantity, or Number, than such Person declared the same to be, then such Collector shall pay such Costs and Charges, and shall also pay to the Owner or Owners, or Person having the Care and Management of such Boat or other Vessel, or to the Owner or Owners of such Goods, Wares, Merchandize, Commodities, or other Things, not less than One Shilling, nor more than Five Shillings, for every Hour that such Boat or Vessel shall be so detained; and in Default of immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the Place or District, where the Party shall reside, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattels.

Rights of  
Fishing in  
New Cuts  
and Canal.

**Provided** always, and be it **Enacted**  
**and Declared**, That the Lord or Lords,  
Owner or Owners, of all and every Manor  
and Manors through which the said intended  
Canal to *Selby* shall be made, shall have and  
be intitled to the sole, several and exclusive  
Right

Right of Fishery of, and in so much of the said Canal, as shall be made over or through the Commons or Waste Lands within his, her, or their Manor or Manors respectively. And that the Owner or Owners of all other Lands or Grounds, through which the said Canal shall be made, shall also have and be intitled to the like sole, several, and exclusive Right of Fishery of and in so much of the said Canal as shall be made in, over, or through his, her or their Lands or Grounds respectively ; so as in the Use and Exercise of the said Right of Fishing, the said Canal be not obstructed, or any Towing-paths, Banks, or other Works of Navigation prejudiced, or any Water drained or exhausted from or out of, or let into the said Canal ; and so as the said Undertakers, their Heirs or Assigns, Officers, Servants, Agents or Workmen, shall not be liable to any Action, Penalty, Damages or Prosecution, for or by reason of taking or destroying any Fish in the said Canal, which shall be taken, killed or destroyed through or by means of drawing down, or letting off the Water, for, or upon account of any Repairs or Works to be done in and about the same,

or

or by drawing the Flood-gates or Lock-gates for the Use of Navigation.

Pleasure Boats  
exempt from  
Tolls.

**Provided also, and be it Enacted,** That it shall and may be lawful to and for the Owners and Occupiers of Lands adjoining to the said Rivers, Cuts or Canal, to use any Pleasure-boats thereon, without paying any Toll, Rate or Duty to the said Undertakers, their Heirs or Assigns, unless any of such Boats shall pass any Lock upon the same Rivers, Cuts or Canal; in which Case, every such Boat, unless it be by Permission of the said Undertakers, their Heirs and Assigns, shall pay such Toll as the Undertakers shall think fit, not exceeding Two Shillings and Six Pence for each Lock.

Satisfaction to  
be made by  
Persons pas-  
sing Locks in  
Pleasure-  
Boats.

**Provided always, and be it further Enacted, by the Authority aforesaid,** That when any Person or Persons whomsoever shall pass through any of the Locks belonging to the several Mills called *Nether Mills*, *Hunslet Mills*, *New Mills*, and *Tbwaite Mills*, with any Pleasure-Boat or Boats, he or they shall pay to the Owner or Occupier of such Mills

Mills not exceeding the Sum of One Shilling,  
as a Recompence for the Loss of Water.

**Provided also, and be it further Enacted,** Navigation to be free, on Payment of Rates.  
That all Persons whatsoever shall have free Liberty, with Horses, Cattle, Carts, and Carriages, to use the present Roads and Ways, for the Purpose only of carrying Goods to and from the said Navigation, made by the Undertakers, their Heirs or Assigns, which communicate with any Public Road or Highway, (except Waggon-Ways, which shall be solely used for conveying Coals from some Colliery to the said Navigation) and with Boats and other Vessels, to navigate up and down the said Rivers, and upon all and every the Cuts and Canal to be made by Virtue of this Act, for the Purpose of conveying Wool, Cloth, Coal, Stone, Timber, and all other Goods, Wares, Merchandize, and Commodities whatsoever; and to use the said Towing Paths for haling and drawing such Boats and Vessels, upon Payment, until the said Twelfth Day of *August*, One thousand seven hundred and seventy-four, inclusive, of such Tolls and Duties as shall be demanded by the said Undertakers, their Heirs or Assigns,

signs, under and by virtue of the said former Act, and from and after the said Twelfth Day of *August*, One thousand seven hundred and seventy-four, upon Payment of such Tolls, Rates, and Duties, as are given and granted to them by this Act.

Owners to  
put their  
Names on the  
Outsides of  
their Boats.

Boats to be  
measured.

**And be it further Enacted,** That every Owner of, or Person having the Care and Management of any Boat or Vessel passing on the said Rivers, Cuts, or Canal, shall cause the Name of the Owner thereof to be set in large painted White Capital Letters, upon a Black Ground, each Letter of the Length or Heighth of Six Inches at least, on each of the Outer Sides of every Boat, or other Vessel, higher than the same shall sink into the Water when full laden. And shall also permit and suffer every such Boat, or other Vessel, to be measured at the Expence of the said Undertakers, their Heirs and Assigns, by putting Weights into the same for that Purpose, or otherwise; and to be marked with Figures, or other Marks, at each End, on the Outside thereof, shewing how much, or how far, every Ton Weight of Loading, which shall be put into such Boat, or Vessel, will

will sink the same into the Water, whenever the said Figures, or Marks shall be required by the said Undertakers, their Heirs or Assigns, or such Person or Persons as shall be appointed by them for receiving the said Tolls and Duties for the Time being. **Provided,** That no such Vessel shall be measured more than Four Times in any one Year. And every Owner, Master, or other Person having the Care and Management of any Boat, or other Vessel, who shall neglect to put his Name on any such Boat, or other Vessel, or shall refuse to have any of his or their Boats, or other Vessels, measured, or marked, as aforesaid; or if any Person shall wilfully alter, deface, erase, or destroy, any of the said Letters, Figures, or Marks, or navigate upon the said Rivers, Cuts, or Canal, having such Letters or Figures defaced, he or they shall for every such Offence respectively forfeit and pay to the said Undertakers, their Heirs or Assigns, the Sum of Five Pounds.

**And be it further Enacted,** That if any Lock-keepers Lock-keeper, Wharfinger, or other Servant, <sup>not to give</sup> <sup>any undue</sup> <sup>Preference.</sup> belonging to the said Undertakers, their Heirs or Assigns, or of any other Owners  
of

of Wharfs, Quays, or Warehouses, which by this Act are declared to be Public, shall give any Preference, or shew any Partiality, to any Boat or Vessel in passing through any Lock upon the said Navigation, or in loading or unloading any Goods, Wares, or Merchandize, at any of the said Wharfs, Quays, Warehouses, Weighbeams, Cranes, or other Machines, and shall be thereof convicted before any Justice of the Peace for the Place or Division where such Lock-keeper or other Person shall reside, every Person so offending shall forfeit any Sum not exceeding Forty Shillings, nor less than Ten Shillings, one Moiety thereof to be paid to the Informer, and the other Moiety to the Party aggrieved.

Boats not to  
be navigated  
over Dams.

**And be it further Enacted,** That if any Boatman, or his Agent, Servant, or Assistant, shall navigate, or permit or suffer any Boat, Barge, or other Vessel, to go over, or shall wilfully or negligently float any Raft of Timber over any Dam or Weir upon the said Rivers, or either of them, and shall be thereof convicted before any Justice of the Peace for the Place where the Offence shall be

be committed, upon the Oath of one or more credible Witness or Witnesses, the Owner of every such Vessel shall forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings, at the Discretion of the Justice or Justices before whom the Offender or Offenders shall be convicted, whereof one Moiety shall go to the Informer, and the other Moiety to the Owner of such Dam or Weir; and in case any Damage shall be done to any Dam or Weir, by reason of any Boat, Barge, Vessel, or Raft of Timber, passing or floating over the same, and the Owner of such Boat, Barge, Vessel, or Raft of Timber, shall neglect or refuse to cause the same to be forthwith made good and repaired; then the Owner or Owners of such Dam or Weir shall, with all convenient Speed, cause such Damage to be repaired and made good, and shall have such Remedy at Law as is hereinafter directed, or shall, at his or their Option, make Proof, before any one of His Majesty's Justices of the Peace for the Place where the Offence shall be committed, of the Costs and Charges which shall or may be necessarily expended in repairing and making good such Damage as aforesaid, to the Sa-

tisfaction of such Justice, whereupon a Certificate shall be made thereof, under the Hand and Seal of such Justice; then, and in such Case, the Owner of such Boat, Barge, or other Vessel, over and above the Penalty hereinbefore directed to be inflicted, shall pay unto the Owner or Owners of such Dam or Weir the Sum or Sums of Money mentioned in such Certificate, provided the same does not exceed the Sum of Ten Pounds, as and for the Expence of making good such Damages or Repairs as aforesaid, within the Space of Forty Days after Demand made, and a Copy of such Certificate shall be delivered to the Owner or Owners of such Boat, Barge, or other Vessel, or left at his, her, or their usual or last Place of Residence or Abode; and, in Default of Payment within the Time aforesaid, it shall be lawful for such Justice, or any other Justice or Justices, of the Peace for the Place where the said Offence shall have been committed, to issue a Warrant, under his or their Hand and Seal, or Hands and Seals, to levy the Sum or Sums of Money mentioned in such Certificate by Distress and Sale of the Goods and Chattels of the Owner of such Boat, Barge, or other Vessel, together with the reasonable Costs and

and Charges attending such Distress and Sale, to be allowed by the Justice or Justices signing the said Warrant; and in case no sufficient Distress can be found, the Person or Persons so offending shall, by Warrant or Warrants of such Justice or Justices, be sent to the House of Correction for the County or Place where such Offence shall have been committed, there to be kept to hard Labour for such Time as such Justice or Justices shall direct, not exceeding Six Calendar Months; and if it shall happen, that the Owner of such Dam or Weir shall be unable to recover the Money mentioned in such Certificate, or the Money which may be so assessed by a Jury, to be recovered by an Action at Law for such Damages as aforesaid; then, and in such Case, the said Undertakers, their Heirs and Assigns, shall sustain and bear One Third Part of the Deficiency, and shall pay the same unto the Owner or Owners of such Dam or Weir within the Space of Forty Days after the same shall be demanded, and a Copy of the Accounts shall be delivered unto the said Undertakers, their Heirs, or Assigns, or their principal or chief Clerk for the Time being.

Owners of  
Vessels to pay  
for Damages  
by their Ser-  
vants.

**And be it further Enacted**, that the Master or Owner of every Boat or other Vessel navigating upon the said Rivers, Cuts, or Canal, shall be, and is hereby, made answerable for all Damage, Spoil or Mischief that shall be done by his Boat or other Vessel, or any of the Boatmen or Watermen belonging to or employed in the Care and Management thereof, or on Board the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Sluices, Engines, Floodgates, or other Works, in, upon, or near the said Rivers, Cuts or Canal, Trenches and Passages, or by Loading or Unloading any Boat or Vessel; and also for any Trespass or Damage that shall or may be done to the Owners or Proprietors of any Buildings, Erections, Lands, or Tenements adjoining to the same, or any of them, other than is authorized by the said former or this Act; and every such Master or Owner shall and may be sued and prosecuted for the same in any Court of Record whatsoever; and if found guilty, or a Verdict pass against him, or Judgment be given against him, upon Demurrer or by Default, the Plaintiff in every such Case shall recover his Damages thereby

thereby sustained, with Double Costs of Suit.

And it is hereby further Enacted and <sup>Directions</sup> Declared, That if any Boatman, or Person <sup>concerning</sup> having the Care of, or passing with, any <sup>passing the</sup> Boat, Barge, Lighter, or other Vessel, through any Lock upon the said Rivers, Cuts, or Canal, or any of them, shall suffer the Water to remain in the Lock longer than is necessary for his Boat, Barge, Lighter, or Vessel to pass through any such Lock; and shall not, coming down the said Rivers, Cuts, or Canal, or any of them, shut the lower Gates of such Lock before he or they shall draw the Cloughs of the upper Gate thereof; and after he or they shall have brought his or their Boat, Lighter, or Vessel into the said Lock, shall not shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; or, in going up the said Rivers, Cuts, or Canal, or any of them, shall not, as soon as he or they shall have passed with his or their Boat, Lighter, or Vessel, out of any Lock, shut the upper Gates of such Lock, and afterwards draw the Cloughs of the lower Gates, unless there

shall be then a Boat, Barge, Lighter, or Vessel within Four Hundred Yards of the said Lock, coming down the said Rivers, Cuts, or Canal, or any of them; or if any Person or Persons shall open any Gate or Gates in the Haling-Ways, for the Passing of Men or Horses or other Cattle haling any Boat, Barge, Lighter, or other Vessel, up or down the said Rivers, Cuts, or Canal, and shall not shut such Gate or Gates after the said Men or Horses or other Cattle shall have passed through the same, every Person offending in any of those Particulars, and being convicted thereof before any Justice of the Peace for the Place where the Offence shall be committed, upon the Oath of one or more Witness or Witnesses, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings; and, in Default of Payment thereof, the Person or Persons so offending shall, by Warrant of such Justice, be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice of the Peace shall direct, not exceeding two Calendar Months, one Moiety of which Penalty shall be paid to the Informer or Informers.

And

And be it further Enacted, That if any Vessels, lying Boat or Vessel shall be placed in any Part of <sup>so as to ob-</sup> the said Rivers, Cuts or Canal, <sup>struct the Na-</sup> ~~so as to ob-~~ vigation, to <sup>be removed.</sup> struct the Navigation, and the Person having the Care of such Boat or Vessel, shall not immediately, after being required so to do, remove the same, he shall, for every such Offence, forfeit a Sum not exceeding Twenty Shillings, nor less than Ten Shillings, for every Hour such Obstruction shall continue, after such Requisition for Removal shall be made as aforesaid. And it shall and may be lawful for the said Undertakers, their Heirs or Assigns, Agents or Servants, or any of them, to cause any such Boat or Vessel to be unladen, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat or Vessel, and the Loading thereof, or any Part thereof, until the Charges of such Removal shall be paid. And if any Boat or Vessel shall be sunk in the said Rivers, Cuts or Canal, or any of them, and the Owner, or Person having the Care and Management of such Boat or Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants

Boats sunk to  
be got up.

Servants of the said Undertakers, their Heirs or Assigns, or any of them, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same, with her Loading, until Payment be made of all the Expences relating thereto, or to sell such Boat or Vessel, and the Loading thereof, or a sufficient Part thereof, and thereout to pay the said Expences, and also the Expence of such Sale, returning to the Owner of every such Vessel the Overplus, if any such there shall be.

Power for Jus-  
tices to miti-  
gate Penalty.

**Provided nevertheless,** That in Case it shall appear to the Satisfaction of the Justice or Justices of the Peace before whom Complaint shall be made concerning any such Obstruction in the said Navigation, or for Recovery of the Penalty or Forfeiture hereby laid or inflicted upon the Person having the Care of the Boat or Vessel so obstructing, that such Obstruction was not occasioned by the Negligence or wilful Act of the Party complained of, and that such Party did, without Loss of Time, use his best Endeavours to remove the same; then, and in such Case, it shall and may be lawful to and for the said Justice or Justices, at his or their Discretion, to mitigate

or

or remit the said Penalty or Forfeiture, as he or they shall think proper, any Thing herein before contained to the contrary notwithstanding.

**And be it further Enacted,** That if any <sup>Penalty on</sup> Person or Persons shall float any Timber upon <sup>Persons float-</sup> the said Cuts or Canal, or upon any navi- <sup>ing Timber,</sup> gable Part of the said Rivers, or load any <sup>or overlading</sup> Boat or Vessel with Timber, Deals, or other <sup>Vessels.</sup> Commodity, so that the same shall lie over the Sides of any such Boat or Vessel so laden, or shall overload any Boat or Vessel navigating in or upon the said Rivers, Cuts, or Canal, and when overladen shall put or navigate such Boat or other Vessel into or upon the said Rivers, Cuts, or Canal, or any of them, so as to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Person having the Care or Management of such Boat or Vessel so obstructing the Passage as aforesaid, remove the same for other Boats and Vessels to pass, such Owner or Person floating such Timber, or Person having the Care or Management of the Boat or Vessel so laden with Timber, Deals, or other Commodity  
lying

lying over the Sides thereof, shall respectively forfeit and pay, for every such Offence, the Sum of Five Pounds to the said Undertakers, their Heirs and Assigns. And the Owner or Person having the Care and Management of every such Boat or Vessel so overladen, and obstructing the Passage, shall, for every such Offence, forfeit and pay a Sum not exceeding Twenty Shillings, nor less than Ten Shillings, for every Hour the said Boat or Vessel shall so obstruct the said Navigation, after such

What Vessels  
are not to be  
deemed over-  
laden.

Notice given as aforesaid. **Provided always,** That, from and after the Twenty-fourth Day of *June*, One thousand seven hundred and seventy-nine, no Boat or Vessel shall be deemed over-loaded within the Meaning of this Act, that does not draw more than Three Feet Six Inches Water.

Punishing  
Persons inju-  
ring the Na-  
vigation,

**And be it further Enacted,** That if any Person or Persons shall wilfully and unlawfully open, or cause to be opened, any Lock or Clough belonging to the said Navigation, or belonging to any Mill or Mills upon the said Rivers, or either of them, or shall leave any of the Cloughs running, after any Boat Barge, Lighter, or Vessel, shall have passed  
any

any Lock belonging to the said Navigation, or opening  
 or shall unlawfully draw, or cause to be drawn, Locks mali-  
 any Clough or Cloughs on the said Rivers, ciously.  
 Cuts, and Canal, or any of them, so as to  
 mispend or waste the Water thereof, either  
 to the Prejudice of the said Navigation, or  
 of any Mill or Mills, every such Person or  
 Persons offending in any of the said Parti-  
 culars, and being thereof convicted before  
 any one or more Justice or Justices of the  
 Peace for the Place where such Offence shall be  
 committed, or the Offender or Offenders shall  
 or may reside, by the Oath of one or more  
 Witness or Witnesses, shall, for every such  
 Offence, forfeit and pay such Sum, as the said  
 Justice or Justices shall order and direct, not  
 exceeding Five Pounds, whereof One Moiety  
 shall go to the Informer, and the other  
 Moiety to such Miller or Millers, or other  
 Persons as shall suffer any Loss or Damage  
 thereby; and in Default of Payment thereof,  
 the Person or Persons so offending shall, by  
 Warrant or Warrants of such Justice or  
 Justices, be sent to the House of Correction,  
 there to be kept to Hard Labour for such  
 Time as such Justice or Justices shall direct,  
 not exceeding Two Calendar Months.

And

To prevent  
Millers from  
opening and  
shutting  
Cloughs after  
Notice.

**And be it further Enacted,** That if any Owner or Occupier of any Mill or Mills upon the said Rivers, do or shall upon Request made and Twenty-four Hours Notice in Writing given to such Owner or Occupier, or left at such Mill or Mills for that Purpose, by any Person employed by the said Undertakers, their Heirs, or Assigns, neglect or refuse either to draw up, or open, shut or put down any Clough or Cloughs which shall be necessary to be opened or drawn up, shut or put down respectively, for the better making, effecting, and maintaining the said Navigation and the Cuts and Works requisite for that Purpose, and for altering and repairing the same from Time to Time, every Person so offending, and being thereof lawfully convicted as aforesaid, shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Recompence  
to the Millers.

**Provided always,** That the Owner or Owners, Occupier or Occupiers of any such Mill or Mills, shall and may, in every such Case as aforesaid, lawfully demand and receive, from the said Undertakers, their Heirs or Assigns, as a Recompence and Compensation

Compensation for such drawing up, opening, putting down or shutting such Clough or Cloughs respectively, after the Rate of Two Shillings an Hour for the first twelve Hours, and after the Rate of Three Shillings an Hour for every Hour afterwards, that the Mill or Mills on each Head of Water shall be thereby stopped or hindered from working; the same to be levied and recovered by such Ways and Means as are hereinafter mentioned, for the Recovery of the Passage-Toll hereinafter to be mentioned.

And be it further Enacted, That in Case <sup>For keeping</sup> the Owner or Occupier of any Mill upon the <sup>Dams,</sup> said Rivers, shall so far neglect to keep his <sup>Cloughs,</sup> or her Cloughs, Weirs, Dams, Banks, or <sup>Banks, &c.</sup> Reservoirs, in such good and sufficient Repair, <sup>in Repair.</sup> as that the said Navigation shall, at any Time, be obstructed through such Neglect, or Want of Repairs, in any of the said Cloughs, Weirs, Dams, Banks, or Reservoirs, and the Owner or Occupier of such Mill, to which such Clough, Weir, Dam, Bank, or Reservoir, so wanting Repairs, shall or may belong respectively, shall refuse or neglect well and sufficiently to repair the same, with all convenient

venient Speed, after Notice in Writing given thereof to such Owner or Occupier, or left at such Mill, it shall and may be lawful for the said Undertakers, their Heirs and Assigns, to cause the same to be effectually repaired, under the Inspection of an Engineer or Supervisor, to be appointed by the Owner or Occupier of such Mill or Mills, in Case he, she, or they shall think fit and proper to appoint such Inspector, the Expence whereof shall be equally paid and borne by the Owner or Occupier of such Mill or Mills, and the said Undertakers, their Heirs or Assigns; and if such Owner or Occupier shall not, on Demand, reimburse the said Undertakers, their Heirs and Assigns, all the other Expences incurred in and about such Repairs, or give sufficient Security to pay the same at a future Day, with Interest, after the Rate of Five Pounds *per Centum per Annum*, then, and in that Case, the said Cloughs, Weirs, Dams, Banks and Reservoirs, so repaired at the Expence of the said Undertakers, shall be thenceforth deemed to belong to the said Undertakers, their Heirs and Assigns, redeemable nevertheless upon the Payment of such Principal and Interest; and in the mean Time,

Time, until the Payment of such Principal and Interest, the said Undertakers, their Heirs and Assigns, and any Person employed by them, shall and may either draw up, open, shut or put down, any Clough or Cloughs in any of the said Weirs, Dams, Banks, or Reservoirs, so to be repaired at the Expence of the said Undertakers, their Heirs or Assigns, which shall be necessary to be opened or shut, drawn up or put down respectively, for the better making, maintaining and using the Works belonging to the said Navigation, without being subject to pay any Thing to the Owner or Occupier of any such Mill, as a Satisfaction or Recompence, or under a Pretence of Damages for so doing; and no Miller shall during such Time reduce the Water, in any such Reservoir or Dam, more than Six Inches below the Crown or Top of such Dam, to be ascertained by Stones or Posts to be set up and marked for that Purpose, at the Expence of the said Undertakers, their Heirs and Assigns, under a Penalty of Ten Pounds for every Offence.

**Provided always,** That if there shall be <sup>Repair of</sup> any Dispute or Difference between the said <sup>Mill-Dams,</sup> <sup>&c.</sup> Under-

Undertakers, their Heirs or Assigns, and any Owner or Occupier of any Mill concerning the Repairing such Cloughs, Weirs, Dams, Banks or Reservoirs, or concerning the Money laid out by the said Undertakers, their Heirs or Assigns, in repairing the same, every such Dispute or Difference shall be settled and adjusted by the said Commissioners.

Penalty on  
Millers ob-  
structing the  
Navigation.

And be it further Enacted, That if any Owner or Occupier of any Mill or Mills within the Limits of the said Navigation, their Servants or Workmen, or any other Person or Persons, shall stop, stang, or raise, or cause to be stopped, stanged, or raised, any Wheel of any such Mill, so as to let the Water pass and run through the Races or Cloughs thereof when the Wheel is not working, save and except for the Purpose of goiting or shooting out and cleansing of Cloth; or shall draw the Water more than Nine Inches within the Crown or Top of the Dam of or belonging to any such Mill, to be ascertained by Stones or Posts to be set up and marked for that Purpose at the Expence of the said Undertakers, their Heirs  
and

and Assigns; or shall wittingly or willingly do, or cause or permit to be done, any other Act, Matter, or Thing whatsoever, whereby, or by Means whereof, any Boat or Vessel upon the said Navigation shall be interrupted, obstructed, impeded, hindered, or prevented from passing up or down the said Rivers, or either of them, as Occasion requires, and not shew sufficient Cause for so doing, to be allowed by the Justice or Justices of the Peace for the Place where the Offence shall be committed, and before whom the Complaint of such Offence shall be made, every such Owner, Occupier, or other Person, shall, for every such Offence, forfeit and pay such Sum as the said Justice or Justices shall order and direct, not exceeding the Sum of Twenty Pounds, nor less than Five Pounds, for each Offence. And so often as the Water in any Dam or Reservoir of or belonging to any of the said Mills, shall be reduced nine Inches and an Half within the Crown or Top of any such Dam or Reservoir, to be ascertained by Stones, or Posts, as aforesaid, no Boat, Barge, or other Vessel shall be navigated or pass through any Lock or Locks adjoining or near unto such

H

Dam

Dam or Reservoir; but the Navigation through such Lock or Locks shall be forthwith stopped, and so shall continue until the Water of the said Dam or Reservoir shall have risen within nine Inches and an Half of the Crown or Top of such Dam: And if any Person or Persons shall navigate any Boat, Barge, or other Vessel, through any Lock or Locks adjoining or lying near such Dam or Reservoir, before the Water shall have arisen within nine Inches and an Half of the Crown or Top of such Dam, and shall be thereof convicted upon the Oath of one or more credible Witness or Witnesses, before any of his Majesty's Justices of the Peace for the Place where the Offence shall be committed, the Owner of every such Boat, Barge or other Vessel, shall forfeit and pay the Sum of Five Pounds for every such Offence unto the Owner of the Mill or Mills standing upon the Dam wherein the Water shall be so reduced, and adjoining or lying near to such Lock or Locks as aforesaid, to be levied and recovered in such Manner as other Penalties and Forfeitures are in and by this Act directed to be levied and recovered.

**Provided,**

**Provided**, That nothing herein contained shall extend, or be construed to extend, to prohibit the Mills near *Wakefield*, commonly called the Low Mills, from drawing the Water eighteen Inches below the Crown of the Dam thereto belonging.

Provision for  
*Wakefield*  
Low Mills.

**And be it further Enacted**, by the Authority aforesaid, That the Owner, Farmer or Occupier of the Mills called *Fleet Mills*, shall not draw down the Water of the Dam or Pond belonging to the said Mills during the Space of One Year, from the Twelfth Day of *August*, One Thousand Seven Hundred and Seventy-four, so as to impede or hinder the Passage of Boats or Vessels up or down the said Navigation; **Provided always**, That the said Undertakers, their Heirs or Assigns, shall and are hereby required to make Compensation to the Owner, Farmer or Occupier of the said Mills called *Fleet Mills*, for the Loss or Damage such Owner, Farmer or Occupier shall or may sustain thereby in the Soke belonging to the said Mills, over and above the Passage-Toll hereinafter directed to be paid to the Owner, Farmer or Occupier of the said *Fleet Mills*, any Thing herein be-

Provision for  
*Fleet Mills*.

fore contained to the Contrary hereof notwithstanding.

Further Pro-  
vision for  
*Fleet Mills.*

**Provided** always, and be it further **Enacted, and Declared**, That from and after the Expiration of the before mentioned Term of One Year, to be reckoned from the said Twelfth Day of *August*, One thousand seven hundred and seventy-four, nothing in this Act contained shall affect the working the said *Fleet Mills*, and that it shall and may be lawful for the Owner, Farmer or Occupier of the said *Fleet Mills*, for the Time being, to draw down the Dam or Pond of Water belonging to the said *Fleet Mills*, at any Time or Times, as low as he shall think proper, and for such Time and Times as he shall think fit, without being liable to any Penalty for so doing, any Thing in the said former Act, or in this Act, to the Contrary hereof in any wise notwithstanding.

Satisfaction  
to Millers.

**And** to the end a full Compensation may be made to the several Owners, Proprietors and Occupiers of the several Mills, called *Nether Mills, Hunslet Mills, New Mills, Thwaite Mills*, and *Fleet Mills*, now standing and being upon

upon the said River *Aire*, for all Loss and Damage which may be occasioned by the making, deepening, or altering any Cuts, Dams, Locks, or other Works of Navigation, and the passing of Boats and Vessels by such Mills, **Be it further Enacted**, That it shall and may be lawful for the Owner, Farmer, or Occupier of every of the said Mills, called *Nether Mills*, *Hunslet Mills*, *New Mills*, and *Tbwaite Mills*, respectively, for the Time being, to demand and take, for his own proper Use, of the Master, Owner, or Person intrusted with the Care of every Boat, Barge, Lighter, or other Vessel passing up or down the said River with any Goods, Wares or Merchandize on Board, for which any Tonnage, Rates, or Duties shall be payable by Virtue hereof, the Sum of One Shilling as a Passage Toll for passing the Lock or Locks next adjoining to the Pond or Head of Water belonging to every such Mill, for the Loss of Water to every Mill or Pond respectively; and for the Owner, Farmer, or Occupier of the said *Fleet Mills*, for the Time being, to demand and take for his own proper Use, of the Master, Owner, or Person intrusted with the Care of

every Boat, Barge, Lighter or other Vessel, loaded as aforesaid, if passing up the said River, the Sum of One Shilling, and if passing down the said River the Sum of Six Pence, as a Passage Toll for passing the Lock next adjoining to the Pond or Head of Water belonging to the said *Fleet Mills*, for the Loss of Water to the said Mills or Pond; and upon Non-payment thereof, to take out of the Boat or other Vessel of the Party making such Default a reasonable Distress of any of the Goods on board, not exceeding Twenty Shillings in Value, and to sell the same, rendering to the Owner of such Boat or Vessel, or to the Party having the Care and Management thereof, upon Demand, the Overplus, after deducting the said Passage Toll, and the Charges of making such Sale. **Provided nevertheless,** That no more than the Sums aforesaid shall be demanded or taken for each Boat or Vessel laden, for passing by any one of the said five Mills, or Set of Mills, or Pond, or Head of Water thereto belonging; and that the Owner, Farmer, or Occupier of any such Mill or Mills, shall in no Case stop or detain any Boat or Vessel for or on Account of the

Non-

Non-payment of such Passage Toll, than for such reasonable Time as shall be sufficient for demanding the same, and taking such Distress as aforesaid, upon Pain of forfeiting and paying, unto the Party and Parties to be aggrieved by such Stoppage or Detention, the full Damages thereby to be sustained, to be recovered by Action of Debt, or upon the Case, in any of His Majesty's Courts of Law, with double Costs of Suit; **Provided** that when the said Cut shall be made from a Cut called *Cryer Cut*, to any Place below *Fleet Mill Cut*, the like Sums as aforesaid shall be paid to the Owner, Farmer or Occupier of the said *Fleet Mills*, as a Passage Toll for Liberty to pass any Lock which shall be made on such new Cut for the Loss of Water, which would have come to *Fleet Mills*, if the same had not been taken into such new Cut.

**And** whereas considerable Damages are frequently done to the Owners and Occupiers of Lands adjoining to the Rivers *Aire* and *Calder* in the towing of Vessels passing upon the said Rivers; in order therefore to provide a Compensation to the Owners and Occupiers

For setting out and making Satisfaction for Towing-paths.

cupiers of such Lands, **Be it Enacted, by the Authority aforesaid,** That before the Twelfth Day of *August*, One thousand seven hundred and seventy-four, or so soon after as may be, certain Parcels of the Lands adjoining to the said Rivers respectively, within the Limits of the said Navigation, on the Sides thereof, where Horses towing Vessels along the said Navigation go and pass, shall be set out, that is to say, in the streight Parts of the said Rivers, two Yards and three Quarters, and in the crooked Parts thereof, five Yards and an Half, adjoining to the said Rivers, in Manner hereinafter directed, and an annual Rent, clear of all Taxes and Deductions whatsoever, shall be fixed upon and ascertained to be paid to each and every Owner and Occupier of the said Parcels of Land, for and as a Satisfaction for the Damages which the Owners and Occupiers of the Lands adjoining to the said Rivers may sustain from the towing of Boats and other Vessels upon the said Rivers; and in order to set out the said Parcels of Lands, and ascertain the Rents to be paid for the same, the said Commissioners, or any five or more of them, shall cause impartial

Juries

Juries to be impanelled, and Witnesses to be summoned, in the Manner herein before directed, on the Application of the said Undertakers, their Heirs and Assigns; and if no Application shall be made by the said Undertakers before the Twelfth Day of *August*, One thousand seven hundred and seventy-four, then on the Application of the respective Owners and Occupiers; which said Jury shall set out the said Parcels of Lands according to the Rate herein before mentioned, and shall fix and ascertain the annual Rent to be paid for the same by the said Undertakers, their Heirs and Assigns, to the Owners and Occupiers of the said Parcels of Land for the Time being, which said Rents shall be paid by the Undertakers, their Heirs and Assigns, on the Twenty-fifth Day, of *March* yearly, and shall also be chargeable and charged upon the Tolls of the said Navigation, and shall be deemed and taken to be a Compensation and Satisfaction to the Owners and Occupiers of the said Lands adjoining to the said Rivers, for the Damages done to them in the towing of Boats and other Vessels upon the said Rivers; and in order that the said particular Parcels  
of

of Land so set out, may hereafter be distinguished and known, the said Commissioners or any five or more of them, shall forthwith, after the Jury shall have set out the same, cause Stakes or other Marks to be fixed in the same, and from Time to Time to renew and re-place the same as Occasion shall require, and shall also cause an exact and accurate Description of the said Parcels of Land, to be entered in a Book to be provided for that Purpose, and signed by the said Commissioners or any five of them, which said Book, together with the Verdict or Inquisition of the Jury and other Proceedings, shall be deposited with the Register of the West-riding of the County of York, for the Inspection of all Persons, and Copies of the Entries in the said Book, and of the Verdict or Inquisition of the Jury and other Proceedings, shall be admitted in Evidence in all Courts and Places whatsoever.

Undertakers  
to make and  
repair Tow-  
ing-paths.

And be it Enacted by the Authority  
aforesaid, That the said Undertakers, their  
Heirs and Assigns, shall well and sufficiently  
make, and at all Times afterwards keep in  
good and sufficient Repair, proper and conven-

nient

nient Towing-paths within the Lands so set out as aforesaid.

**Provided always, and be it Enacted,** <sup>Saving the Right of Soil and Herbage of Towing-paths.</sup> That nothing herein contained shall give any Right or Title to the said Undertakers, their Heirs or Assigns, in the Soil, Herbage or Profits of the Parcels of Land herein before directed to be set out for Towing-paths as aforesaid.

**And be it Enacted by the Authority** <sup>For paying the Costs of Juries.</sup> **aforesaid,** That the Costs and Expences of Juries impannelled for the Purposes last mentioned, and all Expences attending the same, and of providing Books and making the Entries therein, and all other Expences attending or occasioned by the setting out of the Parcels of Land for the Purpose aforesaid, and ascertaining the Rents to be paid for the same, shall be defrayed by the said Undertakers, their Heirs and Assigns.

**And be it further Enacted, by the Authority** <sup>Provision for changing Fryston Towing-path to the North Side of the River Aire.</sup> **aforesaid,** That whenever Four-fifths in Number and Value of the Owners and Proprietors of the Meadow called *Brotherton Ings*,

in the Township of *Brotherton* in the said County of *York*, and also Four-fifths in Number and Value of the Owners and Proprietors of the Meadow called *Fairburn Ings*, in the Township of *Fairburn* in the said County, shall at some public Meeting to be holden for that Purpose (whereof fourteen Days Notice at the least shall be given in the Parish Churches of *Brotherton* and *Ledsham*, in the said County) by Writing under their Hands, consent that the Towing-path now used on the South West Side of the River *Aire*, in the Parish of *Fryston*, in the said County, shall be changed and altered to the North East Side of the said River, at a certain Place called the *Ings Sand Bed*, or *Brotherton Sand Bed*, at the North West End of the Town of *Brotherton*, and shall be made from thence to a certain Place called *Newton Ings*, or *Newton Pasture*, in the Village of *Newton Wallace*, in the Parish of *Ledsham* aforesaid, and shall cause such Consent to be signified to the said Commissioners or any Five or more of them, at some public Meeting, that then, (but not otherwise) it shall be lawful for the said Commissioners, or any Five or more of them, if they think proper, to cause the Course of the ancient

ancient Towing-path to be changed, and to be set out and made on the North East Side of the said River, from the *Ings Sand Bed*, to *Newton Ings* or *Newton Pasture* aforesaid; and the said Commissioners, or any Five or more of them, shall and they are hereby authorized and required to ascertain, settle and determine what Recompence and Satisfaction shall be made to the Person or Persons over whose Land the same shall be made, or who shall receive any Injury or Damage on Account or by Reason of changing or altering the Course of the ancient Towing-path as aforesaid, and shall also order and direct such Recompence and Satisfaction as aforesaid, to be forthwith paid by the said Proprietors to such Person or Persons; **Provided always**, that until such Recompence and Satisfaction as aforesaid, shall be actually paid to such Person or Persons as aforesaid, it shall not be lawful for any Person or Persons to make Use of such new Towing-path upon any Account or Pretence whatsoever, any Thing hereinbefore contained to the Contrary hereof notwithstanding; **Provided also**, that in Case any Person or Persons shall be dissatisfied with the Determination of the said Commissioners, touching

touching the Recompence and Satisfaction to be paid as aforesaid, the same shall be settled and finally determined by a Jury, to be summoned for that Purpose, in Manner prescribed by this Act for summoning Juries in other Cases for settling and ascertaining Damages.

For Recovery  
of Damages  
done by Boat-  
men.

**And be it further Enacted by the Authority aforesaid,** That in Case any Person or Persons employed in the towing of Boats or other Vessels upon the said Rivers or either of them, shall commit any wilful Damage in the Lands adjoining to the said Rivers, or permit or suffer any Cattle used in the towing of Boats or other Vessels, to deviate out of the Lands so to be set out as aforesaid, every such Person or Persons shall, for every such Act, Default or Neglect, upon Conviction before any Justice of the Peace, for the West Riding of the said County, upon his or their Confession, or on the Oath or Oaths of one or more credible Witness or Witnesses, (which Oath or Oaths the said Justice is hereby empowered to administer) shall pay to the Person or Persons injured the Damages to be ascertained by such Justice, and also shall forfeit and pay to the Informer

the

the Sum of Ten Shillings, which Damages and Penalty shall be levied by Warrant under the Hand and Seal of such Justice upon the Goods and Chattels of the Offender or Offenders, or upon the Goods and Chattels of the Master or Employer of such Offender or Offenders, at the Discretion of such Justice.

**And be it further Enacted,** That the said Undertakers to set up  
 Undertakers, their Heirs and Assigns, shall, Gates, &c.  
 and they are hereby required to cause to be over the  
 made, set up, and from Time to Time main- Ditches and  
 tained and kept in good Repair, convenient Fences in  
 Gates, Bridges, Passages, and Stiles, in and the Towing  
 over all the Ditches and Fences in the Tow- Paths, and  
 ing new Cuts.  
 ing Paths to be made under the Authority of  
 this Act, and also sufficient Bridges, Arches,  
 and Passages, with proper Battlements, or  
 Posts and Rails on each Side, over the in-  
 tended new Cuts and Canal, as shall be pro-  
 per for the Use of the Occupiers of the Lands  
 and Tenements thereunto adjoining, to make  
 them convenient Passages to and from their  
 Lands, for the Use and Occupation of the  
 same: And also, if the said Undertakers,  
 their Heirs and Assigns, shall think proper to  
 cause the said Rivers, Cuts or Canal to be  
 deepened,

deepened, widened, or contracted in any Part or Parts, so as to render any usual or common Ford impassable or dangerous; and where there shall not be a passable and safe public Bridge or Ford, within One Hundred Yards of the Ford so rendered impassable or dangerous, then, and in every such Case, the said Undertakers, their Heirs and Assigns, shall first cause a sufficient Bridge or Bridges to be erected, or some other good and sufficient Conveniencies to be made where such Fords now are, or as near thereto as conveniently may be, and shall from Time to Time maintain and keep the said Bridges and Conveniencies in Repair, for the Accommodation of all Persons having Occasion to pass over the same: And also, if the said Undertakers, their Heirs or Assigns, shall find it necessary to raise any Bank or Banks upon the Sides of the said Rivers, Cuts or Canal, for Towing Paths, or otherwise, whereby the Waters may be prevented from going off the adjacent Lands, the said Undertakers, their Heirs and Assigns, shall first cause sufficient Culverts or Tunnels to be laid through or under such Banks so to be raised, or under or over such Cuts or Canal, at proper Places, for preventing the adjacent

adjacent Lands from being overflowed, and shall from Time to Time keep such Banks, Culverts and Tunnels in Repair.

**And be it further Enacted,** That in case In case of Failure the the said Undertakers, their Heirs or Assigns, Commissioners to do shall neglect to make, erect, and set up, it and the Undertakers to pay the Charge thereof. maintain and support, such Gates, Bridges, Passages and Stiles, in and over the Ditches and Fences in the said Towing Paths, or such convenient Bridges, Arches, Culverts, Tunnels or Passages, over or under the said intended Cuts or Canal, as herein before directed, it shall and may be lawful for the respective Owners or Occupiers of the Lands adjoining thereto, to call a Meeting of the said Commissioners, for directing in what Manner, and within what Space of Time, the said Undertakers shall cause the several Works and Conveniencies aforesaid to be made; and in case the said Undertakers, their Heirs or Assigns, shall fail to make and execute the same, within such Time, and in such Manner, as the said Commissioners shall thereupon direct or appoint, then, and in every such Case, it shall and may be lawful to and for every or any of the said Owners or

I                      Occupiers

Occupiers of the said adjacent Lands or Grounds, who shall find themselves respectively aggrieved by any such Failure or Neglect, to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Culverts, Tunnels, and Passages for the Purposes aforesaid, as the said Commissioners shall have before directed or appointed to be made, erected, and set up by the said Undertakers, their Heirs and Assigns, and from Time to Time to maintain, repair and support the said Gates, Stiles, Bridges, Arches, Culverts, Tunnels and Passages, as Occasion shall require, in Case upon Application to the Clerk of the said Undertakers, made by the Owners or Occupiers of such Lands for that Purpose, the said Undertakers for the Time being, shall neglect to repair and support the same. And the said Undertakers, their Heirs and Assigns, shall make good unto such Owners and Occupiers, all the Costs, Charges and Damages which they shall be respectively put unto, or sustain, by Means of the Premises aforesaid, all which Costs and Charges, in Case the Parties shall disagree about the same, shall be settled and allowed by the said Commissioners; and in Default of Payment thereof

thereof upon Demand, or within such Time as the said Commissioners shall for that Purpose appoint, the said Commissioners shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges, by Distress and Sale of the Goods and Chattels of the said Undertakers, their Heirs and Assigns, or any of them, to and for the Use of such Person and Persons who shall have so laid out, expended, or sustained the same as aforesaid, rendering to the said Undertakers, their Heirs and Assigns, or to some of their Agents, the Overplus, if any such there be, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners; or otherwise, every or any of the said Owners or Occupiers of Lands, who shall have, in Manner aforesaid, been put to or have sustained any such Costs or Charges, or Damages, and after having procured the same to be adjusted by the said Commissioners as aforesaid, shall and may, upon the Failure or Neglect of Payment thereof by the said Undertakers, their Heirs and Assigns, recover the same, with Costs of Suit, by Action of Debt, or upon

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the

the Case at Law, against the said Undertakers, their Heirs and Assigns.

Inhabitants  
of *Haddesey*  
may pass over  
Towing-  
paths with  
their Cattle.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Duke of *Ancafter*, his Heirs and Assigns, and his and their Agents, Tenants and Servants, for and in Respect of the Estates, which do or may belong to him, his Heirs or Assigns, at *West Haddesey* and *Chapel Haddesey* aforesaid, from Time to Time, and at all Times hereafter, with Horses and other Cattle, to go, return, pass and repass along every or any Part or Parts of the Banks or Towing-Paths belonging to the said intended Canal, without any Molestation or Interruption whatsoever.

Restraint  
from build-  
ing upon cer-  
tain Places.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend to enable the said Undertakers, their Heirs or Assigns, to erect or build upon any of the Land to be set out for Towing-Paths, or for public Wharfs or Quays, any House or other Building (other than Warehouses and Lock-Houses for the Use of the said Navigation) or to make, erect or build any

any public Warehouses, Lock-Houses, Buildings, Quays, Wharfs, Cranes, or Weigh-beams, in or upon any Fold, Yard, Garden, Park, Paddock, Planted Walk, or Avenue to a House or Lawn inclosed, adjoining to any capital Mansion House, that were used as such on the Twenty-fifth Day of *December*, One Thousand Seven Hundred and Seventy-three, or to take down or damage any Dwelling-House without the Consent of the Proprietor or Proprietors of such Fold, Yard, Garden, Park, Paddock, Planted Walk, Avenue or Dwelling-House, under his, her or their Hands and Seals respectively, or to cut down any Timber-wood, Brush-wood or Under-wood upon any of the Estates or Lands through or into which the navigable Cuts or Canal, Trenches, Sluices, Roads, Passages or Conveniencies, or any Part thereof respectively, shall be made or carried (except such Timber-wood, Brush-wood or Under-wood, as shall grow or be in or upon any of the Lands or Grounds which shall be set out and ascertained, taken or used for the making of the said navigable Cuts or Canal, Towing-Paths, Trenches, Sluices, Roads, Passages or Conveniencies respectively as aforesaid;) and

the Proprietors of the respective Lands and Grounds on which such Timber-wood, Brush-wood or Under-wood shall grow at the Time of passing this Act, their Heirs and Assigns, shall have it in their Option to take such Timber-wood, Brush-wood or Under-wood respectively, when fallen or cut down by the said Undertakers, their Heirs or Assigns, at such Price or Value as the same respectively shall have been estimated at or purchased by the said Undertakers, their Heirs or Assigns, so as such Option be made and signified in Writing to the said Undertakers or their Clerk, before the cutting down the said Timber-wood, Brush-wood or Under-wood, and so as such Proprietors also repay to the said Undertakers, their Heirs or Assigns, all Costs and Charges attending the cutting down, grubbing up and stripping the same; which Timber-wood, Brush-wood or Under-wood, so fallen by the said Undertakers, their Heirs or Assigns, or by their Order, shall and may be carried or conveyed upon any Part of the said Rivers, Cuts or Canal, free from all Tolls and Duties to be raised and levied by Virtue of this Act: But in Case the same shall not have been estimated at, or purchased by them  
upon

upon a Valuation separate or distinct from the Lands or Grounds upon which the same shall respectively grow, then at such Price or Value as shall be agreed on for that Purpose between such Proprietors or Owners of Lands, and the said Undertakers or their Agents, or in case of any Difference of settling or ascertaining the same, then at such Price or Value as the Commissioners herein mentioned shall direct and appoint.

And be it further Enacted, by the Authority aforesaid, That where, by Means of making the said navigable Cuts or Canal, any Cattle which used to depasture in the adjacent Lands or Grounds, shall be cut from and deprived of their usual Watering Places, then and in such Case the said Undertakers, their Heirs and Assigns, shall, at their own proper Costs and Charges, set out and provide proper and convenient Places in the Lands adjoining to the said navigable Cuts or Canal, for Cattle to water at and drink out of, in every such Ground, in lieu and instead of the Watering-Place or Places where they were heretofore accustomed to drink and water at as aforesaid, and to supply

For providing Watering Places.

the said Watering-Places with Water, from and out of the said Cuts or Canal if necessary.

To prevent  
Injuries in  
Time of  
Flood by set-  
ting Deals on  
the Dams.

And for preventing any Injury in Times of Floods or High-water being done to any Mill or Lands contiguous to the said Navigation, by Means of the placing Deals or other Boards upon any Dam upon the said Rivers, or either of them, **Be it Enacted,** That the said Undertakers, their Heirs and Assigns, shall be and are hereby absolutely prohibited and restrained from placing any Deals or Boards upon any Dams situate on the said Rivers, or either of them, save only such Deals or Boards, the Crowns or Tops whereof, when fixed on the Dams shall be at least Three Feet below the Top of the Banks of the Pond or Dam; and the said Undertakers, their Heirs and Assigns, shall appoint and provide a proper Person or Persons residing near to such Dams respectively to attend and take Care of the Boards or Deals, which shall be placed thereon; and that the Person or Persons, who for the Time being shall be entrusted and have the Care of such Deals or Boards, which shall not

exceed

exceed eleven Inches in heighth, shall strike  
 and lay flat the same, whenever the Currency  
 of the River, without the Help of Boards,  
 shall be capable of maintaining eleven Inches  
 Thickness of Water over the Crown of such  
 Dam at it's present heighth, to be determined  
 by a Mark fixed on or near some conspicuous  
 Part of such Dam : And in Case any the  
 Person or Persons, so having the Care thereof,  
 shall not forthwith, upon Request made by  
 or on the Behalf of any Owner or Occupier of  
 any Mill or Land adjoining or contiguous to  
 the said Rivers, or either of them, or that can  
 or may be affected by the Overflow of the  
 Waters thereof, strike and lay flat the said  
 Deals or Boards as aforesaid, such Person or  
 Persons, having such Care, and refusing or  
 neglecting to strike and lay flat the same,  
 shall for every such Offence forfeit the Sum  
 of Ten Pounds, to be recovered as is herein-  
 after provided, and be paid to any Person  
 or Persons who shall inform and prosecute  
 for the same ; and that, in Case of such Re-  
 fusel or Neglect, it shall be lawful for any  
 Owner or Occupier of such Mill or Lands,  
 as aforesaid, to strike and lay flat such Boards  
 and Deals. **Provided nevertheless,** That  
 if

if any Person or Persons, (except such as shall be thereunto authorised by the said Undertakers, their Heirs or Assigns) shall strike or lay flat any of such Deals or Boards, without making such Application or Request to the Person or Persons having the Care thereof, or used his best Endeavours so to do, or shall strike or lay flat the same at any Time when the Currency of the River is not capable of maintaining eleven Inches Water as aforesaid, then and in every such Case, the Person or Persons so offending shall forfeit the Sum of Ten Pounds, **Provided always**, That no Dam-boards be placed upon *Brotherton* Dam, and that the said Dam be not raised above it's present level.

To limit the Height of Dam-boards and preserve Equality in Mill-dams, and prevent Waste of Water.

**Provided also**, That the Dam-boards which shall or may be set, put up, used or continued upon any of the Dams or Weirs belonging to the said several Mills called *Nether Mill, Hunstet Mill, New Mill, and Elwaite Mill*, or any of them, shall not exceed six Inches; and that if there shall be any Dam-boards upon any of the said Mill-dams or Weirs, there shall be Dam-boards of equal heighth upon such of the said Mill-

dams

dams or Weirs as shall be above the same, so that an Equality may be preserved in the Height of the said Mill-dams. And that from and after the Twenty-fourth Day of *June*, in the Year of our Lord One thousand seven hundred and seventy-nine, no more than one Lock full of Water shall be taken or used from or out of any of the Mill-dams to pass any Boat, Barge, Lighter, or other Vessel through any of the Locks belonging to the said Navigation: Nor after the Time aforesaid, shall Water be taken or used from or out of any of the said Mill-dams to Flash any Boat, Barge, or other Vessel over any of the Shoals, or Sand-beds within the said River *Aire*: And in Case any Person or Persons shall offend in any of these Particulars, and shall be thereof convicted before any one or more Justice or Justices of the Peace for the Place where such Offence shall be committed, or the Offender or Offenders shall or may reside, upon the Oath of one or more credible Witness or Witnesses, he and they shall, for every such Offence, forfeit and pay such Sum as the said Justice or Justices shall direct, not exceeding

exceeding Ten Pounds, nor less than Five Pounds, whereof one Moiety shall go to the Informer, and the other Moiety to such Miller or Millers, or other Person or Persons, as shall suffer any Loss or Damage thereby : And in Default of Payment thereof, the Person or Persons so offending shall, by Warrant of such Justice or Justices, be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice or Justices shall direct, not exceeding two Calendar Months. **Provided also**, that nothing herein contained shall be construed to extend to prevent the Undertakers from fixing Boards of twelve Inches Heighth upon each of the said Mill-dams till the Twenty-fourth Day of *June*, One thousand seven hundred and seventy-nine, subject, nevertheless, to the same Directions with Regard to striking or laying flat such Boards, and Penalties for Neglect of doing the same, or for Persons striking or laying flat the same without Application to the Person having the Care of the same, as are herein before enacted.

That the Undertakers  
Wharfs shall **And be it further Enacted**, That from  
and after the Twenty-fourth Day of *June*,  
One

One thousand seven hundred and seventy-be public  
 nine, in Case the *Leeds and Liverpool Canal* when the  
 shall be then compleated, from *Windle-Hill* *Liverpool*  
 to the River *Aire*, at or near *Leeds-bridge*, Canal is fi-  
 and the Water employed in the said Canal nished to  
 returned into the said River, it shall and may *Leeds Bridge.*  
 be lawful to and for all Persons using the Na-  
 vigation of the said Rivers *Aire* and *Calder*  
 for ever thereafter, freely and uninterruptedly  
 to use all and every the Wharfs, Quays and  
 Warehouses, now vested in the said Under-  
 takers to themselves and their Heirs, or in  
 any Person or Persons in Trust for them  
 and their Heirs, situate in *Leeds* and *Wakefield*,  
 for the Purposes of loading and unloading  
 Boats and Vessels, and stowing, depositing,  
 and securing Goods, Wares and Merchandize  
 carried up or down the said Navigation;  
 and in like manner to use, for the Purposes  
 aforesaid, all those several Wharfs, Quays  
 and Warehouses situate in *Armin*, in the  
 said County of *York*, now held or occupied  
 by them the said Undertakers, and by *Peter*  
*Birt*, Esquire, under several Leases, for and  
 during all such Term or Terms, Estates and  
 Interest, as they the said Undertakers and  
 the said *Peter Birt*, or any of them, now have,

or

or hath respectively therein, upon Payment to the said Undertakers, their Heirs and Assigns, or unto the Owner or Owners of the said Wharfs, Quays and Warehouses for the Time being respectively, such Rates of Wharfage as are by this Act authorized to be taken for the use thereof respectively : And that the several Wharfs, Quays and Warehouses so belonging to the said Undertakers or their Heirs, or vested in Trust for them, situate in *Leeds* and *Wakefield* aforesaid, shall for ever be supported and repaired by them the said Undertakers, their Heirs or Assigns. And that the several Wharfs, Quays and Warehouses in *Armin*, shall be supported and repaired by the said Undertakers, or by the Lessee or Occupier thereof for the Time being, for and during all such Term or Terms and Estates as they the said Undertakers and the said *Peter Birt* now have therein respectively.

Lords of  
Manors may  
erect Wharfs  
and Ware-  
houses on  
their own  
Lands.

**Provided** always, and be it further  
**Enacted**, That nothing in this Act contained shall extend to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds, through

through which the said Rivers, or the said intended Cuts or Canal do or shall pass, from making, erecting, or using any public or private Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, in or upon their own respective proper Lands, Grounds, or Wastes adjoining, or near to the said Rivers, Cuts, or Canal, or from Landing any Goods or Merchandize, or other Things thereupon, or upon the Banks, lying between the same and the said Rivers, Cuts or Canal, or for making and using proper and convenient Places for Boats, or other Vessels, to moor, turn, or pass by each other, so that the making, erecting and using thereof respectively shall not obstruct or prejudice the said Navigation, or the Towing-paths on the Sides thereof. And all Rates, Dues, and Duties that shall be paid for the Use and Benefit of the said public Wharfs, Quays, and Warehouses respectively shall be, and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands or Grounds; who shall make and erect such Wharfs, Quays, or Warehouses upon their own respective proper Lands,

Lands, Grounds or Wastes respectively, his, her, and their Heirs and Assigns.

For provid-  
ing public  
Wharfs and  
Warehouses.

**Provided also, and be it further Enacted,** That in Case Complaint shall be at any Time or Times made unto the said Commissioners by any Five or more Owners of Boats, Barges, Lighters, or other Vessels, employed on the said Navigation, in Writing under their Hands, that the public Wharfs, Quays, or Warehouses on the said Navigation are insufficient for the Trade thereof, they the said Commissioners shall examine into the Cause of such Complaint, and in Case they shall find the same to be well founded, the said Commissioners shall thereupon take a View of the Lands adjoining, or contiguous to such Part or Parts of the said Navigation, where any such additional Wharfs, Quays, or Warehouses are wanted, and mark and stake out such Spot or Spots of Land as they shall adjudge most proper and convenient for making any additional Wharfs and Quays, or erecting any additional Warehouses, which they the said Commissioners shall think necessary to be made and erected for public Use: And thereupon the said Commissioners shall cause Notice in Writing to be given

given unto the Lord or Lady of the Waste, if Waste Land, and to the Owner and Occupier, Owners and Occupiers of other Lands so staked or marked out, or to his or their principal Agent or Steward, that such Lord or Lady, Owner or Occupier, Owners or Occupiers shall and do, within such reasonable Time to be mentioned in such Notice as the said Commissioners shall think fit, make such Wharfs, or Quays, and erect such Warehouses upon the said Spot or Spots of Land, and of such respective Sizes and Dimensions as shall be specified in and by such Notice ; and in Case the Lord or Lady, Owner and Occupier, Owners and Occupiers of the Land to be so staked or marked out for the Purposes aforesaid, shall refuse, decline or neglect to make or erect such Wharfs, Quays, or Warehouses as aforesaid respectively, within the Time mentioned in the said Notice, then, and in every such Case, it shall and may be lawful, to and for any Person or Persons whatsoever, who shall be thereunto authorized by an Order in Writing of the said Commissioners, to make such Wharfs and Quays, and to erect such Warehouses upon the Land so staked out as aforesaid, as the Party or Parties refusing

or neglecting the same, was or were required to have made and erected in Manner aforesaid, such Person or Persons, nevertheless, first making Satisfaction to the said Lord or Lady of the Waste, and to such Owner and Occupier, Owners and Occupiers, for the Land to be used therein respectively, to be settled and ascertained (in Case the Parties interested shall differ about the same) in such and the like Manner and Form as the Satisfaction for the Lands to be used or cut through in making the said several intended Cuts and Canal is herein before directed, and provided to be made by the said Undertakers to the Owners and Proprietors of the said last mentioned Lands respectively; and all and every the Wharfs, Quays and Warehouses, which shall be so made and erected under Notice from the said Commissioners, or under their Order as aforesaid, shall be, and the same are hereby vested in such Person or Persons who shall so make and erect the same, their Heirs and Assigns, for and during all such Time as the said Wharfs, Quays, or Warehouses respectively shall be continued for public Use; and such Wharfs, Quays, and Warehouses, shall, and are hereby declared to be public, and to that

that End, it shall and may be lawful to and for all Persons whatsoever, using the said Navigation, freely and uninterruptedly to use all and every such public Wharfs, Quays and Warehouses last mentioned, for the Purposes of loading and unloading Boats and other Vessels, and for stowing, depositing, and securing their Goods, Wares and Merchandize carried up or down the said Navigation, paying unto the Person or Persons so making and erecting the same, such Rates of Wharfage as are hereinafter provided. And it shall and may be lawful for all Persons whatsoever, with Horses and other Beasts of Burthen, Carts and Carriages, to pass and repass at all Times over any waste Lands, contiguous to any Wharfs, Quays or Warehouses erected and made, or to be erected and made upon the Banks of the said Navigation, or any Part thereof, for the Purposes of carrying and conveying all Manner of Goods, Wares and Merchandize to and from such Wharfs, Quays and Warehouses, until proper Roads shall be set out and made for that Purpose over the same, and then by such Roads or Ways as shall be set out by the said Commissioners, who are hereby empowered to set out the same, and

to hear all Parties interested concerning the Premises, and to award such reasonable Satisfaction to be made to the Owners of the said waste Lands, by the Owners of such Wharfs, Quays and Warehouses, or by the Persons using such Roads and Ways as the said Commissioners shall think fit.

Rates of  
Wharfage.

And be it further Enacted, That nothing shall be demanded or taken for Wharfage or Warehouse-Room by the said Undertakers, their Heirs or Assigns, or by any Lord or Lords, Land Owner or Land Owners, or other Person or Persons, who shall at any Time hereafter make, erect, build, or be possessed of, any Wharfs, Quays or Warehouses, on any Part of the said Navigation, for Public Use, in respect of Coals or other Goods or Merchandize which shall be loaded into or discharged from any Boats or other Vessels, and which shall not lie in or upon such Public Wharfs, Quays or Warehouses respectively for any longer Time than Six Hours: And that no more than the Sum of One Penny Halfpenny per Ton shall be demanded or taken for the Wharfage of Coal, Stone, Lime, Sand

Sand or Brick ; nor more than Three Pence per Ton for the Wharfage or Warehouse-Room of any Goods, Wares or Merchandize where the same shall be respectively placed in or upon such Wharfs, Quays or Warehouses, and shall not remain and continue thereupon or therein respectively for a longer Space of Time than Six Days ; and that the Owners of the said Wharfs and Quays for the Time being shall erect and provide at all Times proper and sufficient Cranes or Weighing-beams at their respective Wharfs or Quays, for the more convenient loading, unloading and weighing of Coals and other Goods.

**Provided always, and be it Enacted,** Goods not to  
That in Case any Person or Persons whatso- be removed  
ever shall remove or take away any Goods, till Wharfage  
Wares or Merchandize, for which any Money paid.  
for Wharfage shall become due as aforesaid,  
from any Wharf, Quay or Warehouse,  
without the Consent of the Owner or Owners  
of such Wharf, Quay or Warehouse, or  
Person chiefly intrusted with the Care  
thereof, and without Payment of such Rate  
or Sum for Wharfage as shall be due for

the same under the Provisions of this Act, that then and in every such Case the Person or Persons so offending, and being thereof convicted before one or more Justice or Justices of the Peace for the Riding or Place where such Offence shall be committed, by the Confession of the Party offending, or on the Oath of one or more credible Witness or Witnesses, shall forfeit and pay unto the Owner of the Wharf, Quay or Warehouse, from whence such Goods, Wares, or Merchandize, shall be removed, the Sum of Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted; and over and besides such Penalty the Owner of such Wharf, Quay or Warehouse shall have and be intitled to receive of the Owner or Owners of the Goods so removed or taken away, or of the Person who landed or deposited the same therein, by Action of Debt, or upon the Case, all and every Sum or Sums of Money due for such Wharfage, with full Costs of Suit.

Penalty on  
throwing Bal-  
last into the  
Navigation.

And be it further Enacted, That if any Person or Persons shall wilfully throw any

any Soil, Earth, Ballast, Gravel, Stones, Roots, Bushes, or other Rubbish, into any Part of the said Rivers, Cuts or Canal, or of any Drains, Trenches, or Water-Courses thereunto belonging, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices of the Peace before whom the Offender shall be convicted.

**Provided always, and be it Enacted,** That the said Rivers, Cuts or Canal, or any Works whatsoever made or to be made by Virtue of the Powers of the said former or this Act, shall not be subject to the Controul, Direction, Survey or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers, any other Law or Statute to the contrary hereof notwithstanding.

**And be it further Enacted,** That the said Undertakers, their Heirs or Assigns, shall on this Side and before the Twelfth Day of *August*, One thousand seven hundred and seventy-four, cause the said Navigation to be measured, and Stones set up.

measured, and Stones erected on the Sides thereof at the End of each half Mile.

Power of  
making Bye-  
Laws.

**And**, for the better, more orderly and effectual using the said Navigation, **Be it further Enacted**, that the said Undertakers, their Heirs and Assigns, or any Seven or more of them, in general Meeting to be assembled, shall from Time to Time have full Power and Authority, by and with the Consent of the said Commissioners, or any Seven or more of them, to make Bye-Laws, Orders and Constitutions for the good and orderly using of the said Navigation, and of all such Warehouses, Wharfs, Passages, Weirs, Dams, Culverts, Tunnels, Cranes, Engines, and other Works that shall be made for the said Navigation, and for all such Boats, Barges, Lighters and other Vessels as shall be navigated or used thereon; and for the well-governing of the Bargemen, Watermen and Boatmen, who shall be intrusted with the Care or Management of such Boats, Barges, Lighters, and other Vessels; and from Time to Time, in General Meeting assembled, to alter or repeal the same, and to impose such reasonable

Fines

Fines or Forfeitures, upon all Persons offending against such Bye-laws, Orders or Constitutions, as they, or the major Part of them shall think fit, such Fines or Forfeitures not exceeding for any one Offence the Sum of Five Pounds ; which said Bye-laws, Orders and Constitutions, being put into Writing, under the Hands of the said Undertakers, their Heirs and Assigns, or any Seven or more of them, and under the Hands of the Commissioners allowing the same, shall be binding to, and be observed by, all Parties, and shall be sufficient in any Court of Law or Equity, to justify all Persons who shall act under the same respectively.

**Provided** always, and be it further **Enacted**, That no Summons, Order, Bye-law, Constitution, Determination, Judgment, Verdict, Warrant, Contract, Agreement, or other Writing, whether under the Hands and Seals, or Hand and Seal of any Justices or Justice of the Peace, or of the said Commissioners hereby or under the said former Act appointed, or their Successors, or any of them, or any other Person or Persons whatsoever,

Proceedings  
to be exempted  
from  
Stamps.

soever, in Pursuance of the Powers given in and by this present Act, shall be charged or chargeable with any Stamp or Duty whatsoever.

Fixing Com-  
mencement  
of Penalties.

**Provided always, and be it Enacted,** That nothing in this Act contained shall extend to make any Person or Persons whatsoever, subject or liable to any of the Pains, Penalties, Forfeitures, or Punishments by this Act directed to be paid, imposed or inflicted respectively, for any Offence, Matter, Cause or Thing whatsoever done, or to be done, committed or omitted, before the Twelfth Day of *August*, One thousand seven hundred and seventy-four.

Penalties how  
recoverable.

**And be it further Enacted,** That all the Penalties, Fines and Forfeitures hereby inflicted or authorised to be imposed (the Manner of levying and Recovery whereof is not otherwise hereby particularly directed) shall, upon Proof of the Offences respectively, before any Justice of the Peace for the Place wherein the Offence shall be committed, or the Offender shall be or reside, either by the Confession of the Party or Parties offending,  
or

or by the Oath of one or more credible Witness or Witnesses (which Oath such Justice of the Peace is hereby impowered and required to administer) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants, under the Hand and Seal of such Justice; and the Overplus, after such Penalties, Fines and Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising from such Penalties, Forfeitures and Fines when levied, shall be (if not otherwise directed to be applied by this Act) paid, one Moiety to the Party or Parties injured, and the other Moiety to the Informer. And in Case sufficient Distress shall not be found, and such Penalties, Fines and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the common Gaol or House of Correction; there to remain, without Bail or Mainprize, for any

Application  
of Penalties.

any Time not exceeding Three Calendar Months, unless such Penalties, Fines, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

And, for the more easy and speedy Conviction of Offenders against this Act, Be it further Enacted, That all and every the Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form or Words to the same Effect, as the Case shall happen, videlicet,

Form of  
Conviction.

“ **BE** it remembered, That on the  
“ Day of in  
“ the Year of our Lord  
“ *A. B.* is convicted before me *C. D.*  
“ one of his Majesty’s Justices of the  
“ Peace for the  
“ *(specifying the Offence, and Time and*  
“ *Place, when and where the same was*  
“ *committed as the Case shall be).* Given  
“ under my Hand and Seal, the Day  
“ and Year aforesaid.”

And,

And be it further Enacted, That where Distress not  
 any Distress shall be made for any Sum or <sup>unlawful for</sup>  
 Sums of Money, to be levied by Virtue of <sup>Want of</sup>  
 this Act, the Distress itself shall not be <sup>Form ;</sup>  
 deemed unlawful, nor the Party or Parties  
 making the same be deemed a Trespasser  
 or Trespassers, on Account of any Defect  
 or Want of Form in the Summons, Con-  
 viction, Warrant of Distress, or other Pro-  
 ceedings relating thereto ; nor shall the Party nor Parties  
 or Parties distraining be deemed a Trespasser <sup>deemed Tres-</sup>  
*ab initio*, on Account of any Irregularity <sup>passers for</sup>  
 which shall be afterwards committed by the <sup>Irregularity.</sup>  
 Party or Parties distraining ; but the Person  
 or Persons aggrieved by such Irregularity,  
 shall and may recover full Satisfaction for the  
 special Damage, in an Action upon the Case  
 at Common Law.

And be it further Enacted, That if at Extra-Dama-  
 any Time or Times hereafter, any Person <sup>ges to be set-</sup>  
 or Persons shall sustain any Damage in his, <sup>tled by the</sup>  
 her, or their Lands, Tenements, Heredi- <sup>Commission-</sup>  
 taments, or Property, by Reason of the <sup>ers.</sup>  
 Execution of any of the Powers hereby  
 given, through or by any Means not hereby  
 provided for ; then, and in every such Case,  
 such

such Damages shall, from Time to Time, be settled, ascertained, and determined by the said Commissioners, or their Successors, and be recovered, levied, and applied in such Manner, as other Damages herein before-mentioned are provided for.

Not to affect  
the former  
Act.

**And be it further Enacted,** That all and every the Powers, Provisions and Authorities contained in the said recited Act of the Tenth and Eleventh Years of King *William* the III<sup>d</sup>, not herein expressly altered, changed, or varied, shall be and remain in as full and ample Force and Effect as if this Act had not been made, any Thing herein before contained to the contrary thereof notwithstanding; and that all and every the said Powers, Provisions and Authorities shall extend, and be construed to extend, to all the new Works and Cuts, and to the Canal to be made under the Authority of this present Act.

Appeal to the  
Quarter Ses-  
sions.

**And be it further Enacted,** That all Persons who shall think themselves aggrieved by any Order or Judgment made or given by the said Commissioners, or by any Justice  
or

or Justices of the Peace, upon Account of any Offence committed against this Act, may appeal to the Justices of the Peace at the next Quarter-Sessions to be held for the Riding or Place wherein the Cause of such Appeal shall arise, and the said Justices shall, in a summary Way, either hear and determine the said Appeal or Complaint at such Sessions, or may adjourn the hearing thereof to the next Quarter-Sessions, and may, if they see Cause, mitigate any Forfeiture or Fine, according to the true Intent and Meaning of this Act; and may order any Money to be returned which shall have been levied in Pursuance of any former Rule or Order; and may also order such further Satisfaction to be made to the Party injured, as they shall judge reasonable; which Order shall be final and conclusive to all Parties, and shall not be removed, or removable, by any Writ of Certiorari, or otherwise, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

**And be it further Enacted** That no Or-Proceedings der, or other Proceeding, to be made or had <sup>not to be</sup> by or before any Justice or Justices of the <sup>quashed for</sup> Want of Peace,

Form, and to  
whom War-  
rants may be  
issued.

Peace, by Virtue of the Powers by this Act granted, shall be quashed or vacated for Want of Form only: And that all and every Warrant or Warrants, that shall or may be made or granted by any Commissioners or Justices of the Peace, under or by Virtue of this Act, shall and may be directed to the Constable, Headborough, or other Officer of the Township, Liberty, Parish, or Place where the Delinquent, Offender, or Party shall live or reside; which Constable, Headborough, or other Officer, is hereby required and authorized to execute the same.

Limitation of  
Actions.

And be it further Enacted, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons, for any Thing done or to be done in Pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions herein before given or granted, every such Action, Suit, or Information, shall be commenced and brought within Six Calendar Months next after the Fact committed; or Cause of Action shall arise, and not afterwards; and shall be laid and brought in the said County of York, and not elsewhere;

where; and the Person or Persons, so sued or General Issue.  
 prosecuted, shall have and be intitled to  
 Twenty-one Days previous Notice of the  
 Intention of the Party to bring any such  
 Action, and shall or may plead the General  
 Issue, and give this Act and the special Mat-  
 ter in Evidence at any Trial to be had there-  
 upon, and that the same was done in Pur-  
 suance and by the Authority of this Act; and  
 if it shall appear to have been so done, or if  
 any Action, Suit, or Information, shall be  
 brought, without such previous Notice having  
 been first given to the Defendant or De-  
 fendants, or after the Time herein before  
 limited for bringing the same, or shall be  
 brought in any other County or Place than as  
 as aforesaid, then, and in such Case or Cases,  
 the Jury shall find for the Defendant or De-  
 fendants; or if the Plaintiff or Plaintiffs shall  
 become nonsuited, or suffer a Discontinuance  
 of his, her, or their Action, Suit, or In-  
 formation, after the Defendant or Defendants  
 shall have appeared, or if a Verdict shall pass  
 against the Plaintiff or Plaintiffs, or if upon  
 Demurrer, or otherwise, Judgment shall be  
 given against the Plaintiff or Plaintiffs, the  
 Defendant or Defendants shall have treble  
 L Costs,

Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

New Cuts  
vested in the  
Trustees.

**And whereas** the legal Estate and Interest in the present Navigation of the said Rivers, with the Works and Appurtenances of Navigation thereunto belonging, and the Tolls and Duties by the said former Act granted, and divers Messuages, Mills, Warehouses, Buildings, Lands, Tenements, and Hereditaments, stand vested in the said *Sir William Milner, Jeremiab Dixon, Richard Wilson, and Richard Burton*, and their Heirs, (that is to say) the one full Moiety or half Part of all the Premises, to the Use and Behoof of the said *Sir William Milner and Jeremiab Dixon*, their Heirs and Assigns, for ever; and the other full Moiety or half Part of all the Premises, to the Use and Behoof of the said *Richard Wilson and Richard Burton*, their Heirs and Assigns for ever; nevertheless, upon Trust for themselves and the rest of the Undertakers of the said Navigation, their Heirs and Assigns, **Be it therefore Enacted and Declared**, That all and every the Lands

and

and Hereditaments to be purchased by the said Undertakers, their Heirs and Assigns, or for which any Sum or Sums of Money shall be assessed under and by Virtue of this Act, shall, upon Payment of the Purchase Money for the same, or the Sum or Sums so to be assessed in Satisfaction thereof, be conveyed unto, or otherwise shall, together with all the Rates, Tolls and Duties by this Act granted, and the said Cuts and Canal, and every of them, and all other the Works of Navigation to be made by Virtue of the Powers hereof, stand and be vested in the said Sir *William Milner*, *Jeremiah Dixon*, *Richard Wilson*, and *Richard Burton*, their Heirs and Assigns, for ever, upon the like or the same Trusts, and to and for the like Uses, Intents and Purposes, and subject to such or the same Conditions, Provisoos, Restrictions, and Agreements, in all Respects whatsoever, as they the said Sir *William Milner*, *Jeremiah Dixon*, *Richard Wilson*, and *Richard Burton*, now stand seized of the said present Navigation Tolls and Duties granted by the said former Act, and the Messuages, Mills, Warehouses, Buildings, Lands, Tenements, and Hereditaments aforesaid, and to, for,

and upon no other Use, Trust, Intent, or Purpose whatsoever.

Undertakers  
may appoint  
a Committee.

**And** to the End the said Navigation, Rivers, Cuts and Canal, and all Matters and Things whatsoever relating to or concerning the same, may be regularly ordered and managed, and the several Powers and Authorities by the said former and this present Act the more easily and readily executed, **Be it Enacted**, That a General Meeting of the said Undertakers, their Heirs or Assigns, shall be held at *Leeds* on the first *Monday* in the Month of *July*, in every Year for the future, at the Hour of Eleven in the Forenoon; at which said General Annual Meeting, the Undertakers for *Leeds* then present, shall elect, nominate and appoint Three Persons, being Undertakers for *Leeds*, and the Undertakers for *Wakefield* then present shall elect, nominate and appoint Three Persons being Undertakers for *Wakefield*; which said Six several Persons, so to be elected, shall be added to the Four Trustees of the said Navigation and Premises for the Time being, and, together with the said Trustees, shall be a Committee of the Undertakers for the Time being, for One whole Year then next following, and until

until another Committee shall be in like Manner appointed; and so *toties quoties*.

**And be it further Enacted,** That in the Election of such Committee the Trustees of the said Navigation for the Time being shall have the same Right to Vote as the other Undertakers; and such Election shall be determined by a Majority of Votes; and if there shall be an Equality of Votes for any of the Persons proposed to be elected to be of the said Committee, then, and in such Case, that Question shall be determined by the Majority in Point of Property or Value in the said Navigation. Trustees to have Voices.

**And be it further Enacted,** That the Management and Government of the Navigation of the said Rivers, Cuts and Canal, and every of them, and all Matters and Things relating to or concerning the said Navigation, or any of the Works thereunto belonging, and all the Powers, Privileges, and Advantages, under the Authority of the said former and this present Act, granted to or vested in the said Undertakers, their Heirs and Assigns, and all Messuages, Mills, Lands, Tenements, and Hereditaments, being the undivided Property Powers of Committee.

of the said Undertakers, their Heirs or Assigns, shall, from Time to Time, be ordered, managed, governed, executed, done, and performed, by and in such Manner and Form, as the said Committee of Undertakers for the Time being, or any Four of them, whereof One of the Two Trustees for *Leeds* for the Time being shall be One, and One of the Two Trustees for *Wakefield* for the Time being shall be a Second, and One of the Three Members of such Committee for the Time being, elected by the Undertakers of *Leeds*, shall be a Third, and One of the Three Members of such Committee for the Time being, elected by the Undertakers of *Wakefield*, shall be a Fourth, in Committee to be assembled, shall judge and think best for the Interest and Advantage of all the Undertakers of said Navigation, their Heirs and Assigns.

For supply-  
ing Vacancies  
in the Com-  
mittee.

**AND** to the End the Number of Members of such Committee may be kept full to the Complement aforesaid, **Be it further Enacted,** That the surviving Members of the said Committee of Undertakers for the Time being, or any Five of them, in Committee to be assembled, shall have full Power and Authority, in Case of the Death of any of the Ten Members

Members of the said Committee, to nominate and appoint such other or others of the said Undertakers for the Time being, to be of the said Committee, in the Room and Stead of him or them so dying; and the Person and Persons so nominated shall thereupon be invested with the same Powers, Authorities, and Advantages, until a new Committee shall be elected, as if he or they had been elected by the said Undertakers in Manner aforesaid.

**Provided nevertheless,** That such Committee shall, from Time to Time, make Reports of their Proceedings to any General or Special Meeting of the said Undertakers, and their Heirs, and be subject to the Controul of the Undertakers in such General or Special Meetings assembled, and to all such Orders and Resolutions to be made at such Meetings by the Majority of Undertakers then and there present.

**And be it further Enacted,** That if at any Time it shall appear to any Three or more of the said Undertakers for the Time being, whose Capital Navigation Stock shall amount to One Thousand Pounds or upwards, but

not otherwise, that for the more effectual putting any of the Powers, granted by the said former or this present Act into Execution, or for settling or discussing any Matters or Things whatsoever concerning the said Navigation and Estates, a Special Meeting of Undertakers is necessary or expedient to be held, it shall and may be lawful to and for such Three or more of the said Undertakers for the Time being, upon their Delivery to the Clerk of the said Undertakers for the Time being, an Account in Writing under their Hands, specifying the Matters which they shall conceive necessary for the Consideration of the Undertakers at such Meeting, to direct the said Clerk to call a Special Meeting of the Undertakers. And the said Clerk is hereby required to cause Notice to be given of a Special Meeting of the Undertakers, in the *Leeds* and *York* Weekly News-Papers, for Three Weeks successively, setting forth the Place where, and the Time when, such Special Meeting shall be appointed to be held, the same not being less than Twenty-one Days after such Notice given in the said Papers; and which Notice shall be continued in the said Papers until such Meeting shall be held; and

and in Case the Capital Navigation Stock of the Undertakers present, by themselves or Proxies, at such Special Meeting, shall amount in the Whole to Five Thousand Pounds, and the Undertakers so present be not less than Seven in Number; then, and in such Case, but not otherwise, it shall and may be lawful to and for the Undertakers so present, to proceed in the Execution of the Powers by this Act given to the said Undertakers, their Heirs and Assigns, with respect to the Matters so as aforesaid specified by the Undertakers directing such Meeting to be called. And the said Clerk is hereby also required to transmit forthwith, after receiving such Direction as aforesaid, unto every of the Undertakers of the said Navigation for the Time being, or to their known Agent or Agents, an Account of the Time and Place appointed for every such Special Meeting, the Names of the Undertakers directing such Meeting to be called, and of the Business for which the same shall be so called. And all Acts to be done by the said Undertakers present at such Special Meeting (provided not less than Seven of the said Undertakers, and having amongst them a Capital Navigation

tion

tion Stock to the Amount of Five Thousand Pounds as aforesaid, be present, and not otherwise) shall be as valid and effectual, to all Intents and Purposes, as if done at the General Annual Meeting of the said Undertakers: And that no Business whatsoever shall be transacted or done at any Special Meeting of the said Undertakers, their Heirs or Assigns, unless the Undertakers present, by themselves or Proxies, be Seven in Number, having amongst them a Capital Navigation Stock amounting to Five Thousand Pounds, any Thing herein contained to the contrary notwithstanding.

For selling  
Estates, and  
borrowing  
Money.

**And whereas** the said Undertakers stand indebted in divers Sums of Money on the Account of several Purchases, by them made or contracted for, of certain Messuages, Mills, Lands, and Tenements, upon or near to the said Navigation, and upon other Accounts concerning the same; **And whereas** the defending and protecting the Property of the said Undertakers in the said Navigation, and the obtaining this present Act, have been, and the making and executing the several proposed Cuts, Canal, and other Works, for the

the Improvement of the said Navigation, will be attended with considerable Expences, and it may become necessary for the said Undertakers to raise Money, as well for defraying such Debts and Expences, as for making future Purchases and Improvements in their said Navigation; **And whereas**, by reason of the Coverture, Infancy, or other Disability, of some of the said Undertakers, and the limited Interest of others, a Doubt may arise how far the said Navigation, and the said intended Cuts and Canal, and the Tolls, Rates, and Duties thereof, and other the undivided Estates and Property of the said Undertakers, can be effectually charged, as a Security for raising a competent Fund for the Purposes aforesaid, or how far such undivided Estates can or may be, from Time to Time, sold and conveyed; **Be it therefore Enacted by the Authority aforesaid**, that it shall and may be lawful to and for the said Undertakers for the Time being, present at any of their General or Special Meetings to be held under the Authority of this Act, to agree and settle what Sum and Sums of Money shall be from Time to Time borrowed or raised upon the Credit  
of

of the said Navigation and Estates, and for paying off and discharging the same; and for selling and disposing of any the Messuages, Mills, Lands, or Tenements, being the undivided Property or Estate of the said Undertakers, their Heirs or Assigns; and to discuss and settle all such other Matters and Things as to them may appear necessary for the better Management of the said Undertaking and Estates; and that it shall and may be lawful to and for the Undertakers present at such General or Special Meetings respectively, or a Majority of them in Number and Value, to settle and direct by their Order or Resolution, to be entered in their Book of Proceedings in Manner hereinafter directed, and signed by such Majority, any Messuages, Mills, Lands, or Tenements, being the undivided Estate of the said Undertakers, their Heirs or Assigns, to be sold; and in like Manner to order what Sum and Sums shall be so raised and taken up, and at what Loan or Interest respectively; and in like Manner to order and empower the Committee, to be elected as aforesaid, to direct in whose Hands the Sums, arising by any such Sale, or that shall be so raised or borrowed, shall

shall be deposited until laid out ; and to what Uses and Purposes the said Monies shall be, from Time to Time, paid and applied : And that it shall and may be lawful to and for the Trustees in whom the legal Estate and Interest of the said Navigation and Premises shall be then vested, and they the said Trustees, and their Heirs, are hereby impowered and directed, by any Deed or Deeds to be by them executed in the Presence of two or more credible Witnesses, as well to sell and convey, in Fee Simple, such Messuages, Mills, Lands or Tenements belonging to the said Undertakers, their Heirs and Assigns, as shall be so directed to be sold and conveyed as aforesaid, such Deed or Deeds not being repugnant to the Orders and Directions of such Meetings ; or to grant, demise, convey and assure, in Fee, or for any Term or Number of Years, by Way of Mortgage, as well the said Navigation, and the Tolls, Rates and Duties of the same, as also all or any Messuages, Mills, Lands, Tenements and Hereditaments, being the undivided Property or Estate of, or which shall hereafter belong to the said Undertakers, their Heirs and Assigns, or any Part or Parts thereof, as a Security  
or

or Securities for the Repayment of all and every the Sum and Sums of Money, so to be ordered and directed to be raised or borrowed, and taken up, with such Interest for the same, as shall be directed and ordered to be paid as aforesaid, unto such Person and Persons respectively, or his, her or their Trustee or Trustees, as shall be willing to advance and lend the same; and that the Receipts and Acquittances, under the Hands of the said Trustees executing such Deeds and Mortgages respectively, for the Monies to be paid for such Purchases, or to be so advanced and borrowed, shall be good, sufficient and effectual Releases and Discharges unto the Person and Persons paying, advancing, and lending such Monies respectively. **Provided always,** That there be contained, in every such Mortgage respectively, a Proviso, that the same shall cease and be void, or that the Premises, thereby granted or conveyed, shall be reassured, reconveyed, or surrendered to the said Trustees, their Heirs or Assigns, or any future Trustees for the said Undertakers, upon Payment by the said Undertakers of the said Navigation, their Heirs or Assigns, or any of them, of the Sum or Sums of Money  
thereby

thereby to be secured, with the Interest for the same, at the End of One Year from the Date or making thereof respectively.

And be it further Enacted, That all and Mortgagees every Person and Persons to whom any Grant, <sup>may assign.</sup> Demise, or other Conveyance, by Way of Mortgage, shall be so made, or who shall be intitled to the Money thereby to be secured, shall have full Power, from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of two or more credible Witnesses, to assign and transfer the same Security or Securities, and the Hereditaments and Premises to be therein comprized, and the Principal Money and Interest thereby secured and owing, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest in and to the same, unto any other Person or Persons whomsoever, his, her, and their Executors, Administrators, and Assigns, who may in like Manner assign and transfer the same, and so, *toties quoties*, as Occasion shall or may require; and every such Mortgagee and Mortgagees, Assignee and Assignees, his, her, and

and their Executors and Administrators, and all Persons lawfully claiming under them, or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients, at Law or in Equity, for recovering and obtaining the Possession of the Premises to be so mortgaged or assigned as aforesaid, in case of Non-Payment of the Principal and Interest therein and thereby respectively to be secured, or any Part thereof, as is, or are, or may be used, taken, had, or pursued, in Cases of Mortgages made by Persons seized in Fee Simple in Possession; and that every such Mortgages, Deeds, and Conveyances, so to be made as aforesaid, and also all Conveyances and Assurances for conveying any Messuages, Mills, Lands, or Tenements, being the undivided Property of the said Undertakers, their Heirs and Assigns, which shall be directed in Writing at any General or Special Meeting of the said Undertakers, their Heirs and Assigns, to be held under the Authority of this Act, to be sold and disposed of, shall be valid and effectual against all Femes-Covert, Infants, Idiots, Lunatics, and Persons in Possession, Remainder, or Reversion, and all other Persons intitled to,

or

or interested in, any Part of the said Navigation Tolls, Estates, and Hereditaments, their Heirs and Assigns.

**And be it Enacted and Declared,** That <sup>Trustees in-</sup>all the Estate and Interest in the said Navigation, Tolls, Hereditaments and Premises so <sup>demnified.</sup>vested, or to be vested, in the Trustees for the Time being, their Heirs and Assigns as aforesaid, shall stand and be a Security to them the said Trustees, their Heirs and Assigns; and that their Lands and Tenements, Goods and Chattels, shall be thereby indemnified of, from, and against all Loss, Damage, and Charge that they may any Way sustain, or be put unto, by reason of any Grants, Covenants, or Agreements, which they the said Trustees, their Heirs or Assigns, or any of them, shall any Ways make, or enter into, upon the Account of the aforesaid Undertaking, by or with the Consent, Direction, and Appointment, in Writing, of the said Undertakers, or their Heirs, or a Majority of them, in any Meeting or Meetings assembled, according to the true Intent and Meaning of this Act, or of the said Committee of Undertakers for the Time being.

M

And

Clerk to be  
appointed,  
and Books  
kept.

**And be it further Enacted,** That the said Committee shall, from Time to Time, appoint a Clerk, who shall attend all Meetings of the said Undertakers, and of the said Committee, and enter in a Book all Orders, Resolutions, and Proceedings to be made or done at such Meetings respectively; and shall also, from Time to Time, keep a Book of Account of all Monies to be received and expended by the said Undertakers, or by any of them, or by the said Committee, relating or concerning the said Navigation; and that such Accounts shall be made up and settled by the said Committee twice in every Year; and that the said Books of Proceedings and Accounts shall and may be inspected and perused at all Times by any Undertaker of the said Navigation for the Time being, desiring the same.

Undertakers  
may vote by  
Proxy.

**And be it further Enacted,** That it shall and may be lawful to and for any of the said Undertakers, their Heirs and Assigns, to give his, her, or their Vote or Votes, by Proxy or Proxies, upon the annual Election of the said Committee; and also upon all Questions, Matters, and Things proposed, discussed, or considered at any General or Special Meeting  
or

or Meetings of the said Undertakers, their Heirs or Assigns, provided such Proxy and Proxies be an Undertaker or Undertakers, and duly constituted in Writing, under the Hand or Hands of the Person or Persons appointing or voting by such Proxy or Proxies; and in all Cases of Coverture, Infancy, Idiotism, and Lunacy, the Husband of the Party under Coverture, the Guardian of every Infant, and the Committee of every Idiot or Lunatic, shall be admitted to every such Meeting, and may vote in Person, or by Proxy or Proxies, as well concerning the raising and borrowing Monies, as in the Election of Trustees and Committees, and all other Questions, Matters, and Things proposed, discussed, or considered, at such Meetings respectively; such Proxy or Proxies being in like Manner duly constituted in Writing, under the Hand or Hands of such Husband and Feme-Covert, Guardian, or Committee respectively, and being an Undertaker or Undertakers of the said Navigation, but not otherwise.

And whereas by Indenture, bearing Date the Nineteenth Day of *February*, One thousand seven hundred and seventy-one, made between

For vacating  
Mr. Birt's  
Lease.

the said Sir *William Milner*, *Richard Wilson*, *Richard Burton*, and *Jeremiah Dixon*, of the one Part, and *Peter Birt*, of *Armin* in the said County of *York*, Esquire, of the other Part, they the said Sir *William Milner*, *Richard Wilson*, *Richard Burton*, and *Jeremiah Dixon*, on Behalf of themselves and the Rest of the Undertakers for making and keeping navigable the said Rivers *Aire* and *Calder*, did demise unto the said *Peter Birt* All the Tolls, Wharfage, and Profits of the said Navigation, and certain other Tolls; and also divers Messuages, Mills, Warehouses, Wharfs, Lands, Tenements, and Hereditaments, in the said Indenture particularly mentioned; To hold the same unto the said *Peter Birt*, his Executors, Administrators, and Assigns, from the Twelfth Day of *November*, One thousand seven hundred and seventy-two, for the Term of Twenty-one Years, at and under the yearly Rent and other Payments thereby reserved and made payable, and subject to the several Covenants, Provisoos, and Restrictions, in the said Indenture of Lease expressed and contained. **And whereas**, for the Enabling the said Undertakers to make, compleat, and sup-  
 port

port the several Works and Improvements in the said Navigation, by this Act authorized and directed to be done and executed, it is expedient that the said Navigation, and all the Premises demised to the said *Peter Birt*, should be in the actual Possession of the said Undertakers, their Heirs and Assigns; and for that Purpose, and in order that the said Lease should be vacated, it hath been agreed by and between the said *Sir William Milner*, and *Richard Wilson*, on Behalf of themselves and all other the Undertakers of the said Navigation, to and with the said *Peter Birt*, and which Agreement hath been confirmed and assented to as well by the said *Richard Burton* and *Jeremiah Dixon*, as by many others of the said Undertakers principally interested in the said Navigation, that, upon the said *Peter Birt's* surrendering and giving up the said Lease, and assigning and transferring to the said Undertakers all his Boats, and the Furniture and Tackle thereunto belonging, and other Utensils of Navigation used by him in the said Rivers, absolutely for the Benefit of themselves and of the said *Peter Birt*, he the said *Peter*

*Birt* shall, from the Twelfth Day of *May*, One thousand seven hundred and seventy-four, be and become absolute Owner in Fee Simple of One full Tenth Part or Share of and in the said Navigation, and of and in all Mills, Lands, Tenements, and Hereditaments, whereof or wherein the said Undertakers have any Estate or Interest, or in anywise belonging or appertaining unto the said Navigation; and also that the said *Peter Birt* should stand interested in and intitled unto One Tenth Part or Share of all Leasehold Mills, Lands, and Tenements held by the said Undertakers, in such Manner as they hold and enjoy the same. And the said *Peter Birt*, for the Considerations aforesaid, hath agreed to give up all his Right and Interest in the said Lease and Premises, and to make such Assignment and Transfer of his Boats, Furniture, Tackle, and Utensils as aforesaid: But, forasmuch as divers of the Undertakers are Infants and Females Covert, so that the said Agreement (which is conceived to be beneficial to the Parties concerned) cannot properly be enforced without the Aid of Parliament; **Therefore be it Enacted by the Authority aforesaid, That**

the

the said Indenture of Lease of the Nineteenth Day of *February*, One thousand seven hundred and seventy-one, and all and every the Grants and Demises thereby made, and all and every the Covenants, Provisoos, Articles, Matters, and Things therein contained, shall, by the Authority of this Act, be absolutely null and void, and of no Force or Effect whatsoever.

And that an adequate Satisfaction may be made to the said *Peter Birt*, in Lieu and Recompence of his said Lease, according to the said Agreement, **Be it further Enacted,** For making Satisfaction to Mr. Birt in Lieu of his Lease.

That the said *Peter Birt* shall, from the Twelfth Day of *May*, One thousand seven hundred and seventy-four, be and become an Undertaker of the said Navigation, and have and be intitled as Cestuique Trust to himself, his Heirs, and Assigns, unto One full Tenth Part or Share of and in the said Navigation, and of and in all Mills, Lands, Tenements, and Hereditaments, whereof or wherein the said Undertakers have any Estate or Interest, or in anywise belonging or appertaining unto the said Navigation; and

shall also be interested in, and intituled unto, One Tenth Part or Share of all Leasehold Mills, Lands, and Tenements, held by the said Undertakers, in such Manner, and for such Terms, Estates, and Interests, as the other Undertakers, or their Trustees in Trust for them, now hold and enjoy the same. And to that End it is hereby declared, That the said Sir *William Milner*, *Jeremiab Dixon*, *Richard Wilfon*, and *Richard Burton*, and their Heirs, shall stand seized of the legal Estate of the said Navigation and Premises, now vested in them as aforesaid, and every Part thereof, as to One full Tenth Part or Share thereof, upon the Trust following; (that is to say) as to One Moiety of the said Tenth Part or Share to the Use and Behoof of the said Sir *William Milner* and *Jeremiab Dixon*, their Heirs and Assigns, upon the like Trust, for the Benefit of the said *Peter Birt*, his Heirs and Assigns, as they the said Sir *William Milner* and *Jeremiab Dixon*, and their Heirs, stand invested with the legal Estate and Interest in the Residue of the Moiety of the said Navigation

gation and Premisses, for themselves and the rest of the Undertakers of *Leeds*, commonly called the *Leeds* Undertakers, their Heirs and Assigns. And as to the other Moiety of the said Tenth Part or Share, to the Use and Behoof of the said *Richard Wilson* and *Richard Burton*, their Heirs and Assigns, upon the like Trust, for the Benefit of the said *Peter Birt*, his Heirs and Assigns, as they the said *Richard Wilson* and *Richard Burton* and their Heirs stand invested with the legal Estate and Interest in the Residue of the said other Moiety of the said Navigation and Premisses, for themselves and the rest of the Undertakers of *Wakefield*, commonly called the *Wakefield* Undertakers, their Heirs and Assigns: And that the said One Tenth Part or Share so vested in Trust for the said *Peter Birt*, his Heirs and Assigns as aforesaid, shall be subject to its just Proportion of all Rents, Debts, Charges, Covenants, and Incumbrances whatsoever, now due, or hereafter to become due, from or to be performed, or in anywise affecting the joint Property of the said Undertakers in the said Navigation, or the Estates thereunto belonging,

belonging, or the Trustees or Undertakers of the same at large in respect thereof.

Lady *Stour-*  
*ton* may make  
a Cut to com-  
municate with  
the *Selby*  
Canal.

**Provided also, and be it further Enacted,**  
That it shall and may be lawful to and for  
the Right Honourable *Catharine* Lady Dow-  
ager *Stourton*, her Heirs and Assigns, or the  
Person or Persons who, for the Time being,  
shall be seized of or intitled unto, the Lands  
or Grounds belonging to her or them, situate  
at or near *Selby* aforesaid, to make a Cut,  
Canal, Sluice, or other Communication, in  
and through her or their own Lands and  
Grounds, and through the Banks or Towing-  
paths of the said intended Canal from *Had-*  
*dlesey* to *Selby*, into the same Canal, navigable  
and passable for Boats, Barges, and other  
Vessels, for the Purpose of conveying Coal,  
Stone, Timber, and other Goods, Wares,  
and Merchandize, by and along the said Canal  
from *Haddlesey* to *Selby*, so that the same Canal  
be not thereby injured, and so that there be a  
proper and sufficient Stop-Gate between the  
same Canals, to prevent any Damage to the  
Lands adjoining, and so that a convenient  
Bridge

Bridge be made over or across the Towing-  
Path or Banks of the said Canal, for the  
Haling or Towing of Boats, Barges, and  
other Vessels.

**And be it further Enacted,** That this Act Public Act;  
shall be deemed, adjudged, and taken to be,  
a Public Act, and shall be judicially taken  
Notice of as such, by all Judges, Justices,  
and other Persons whomsoever, without spe-  
cially pleading the same.

**F I N I S,**

Bridge be made over or across the Towing-  
Path or Banks of the said Canal, for the  
Hauling or Towing of Boats, Barges, and  
other Vessels.

And as it further enacted, That this Act shall be  
shall be deemed, as if it had been so, and taken to be,  
a Public Act, and shall be judicially taken  
Notice of as such, by all Judges, Justices,  
and other Persons whomsoever, without spe-  
cially pleading the same.

E. I. N. 1. 2.

